United Nations A/71/1042

General Assembly

Distr.: General
5 September 2017

Original: English

Seventy-first session
Agenda item 130
Investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him

Letter dated 5 September 2017 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution 71/260 on the investigation into the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him on flight SE-BDY on the night of 17 to 18 September 1961.

In accordance with paragraph 1 of that resolution, I appointed as Eminent Person the former Head of the 2015 Independent Panel of Experts appointed pursuant to General Assembly resolution 69/246, Mohamed Chande Othman, to review potential new information, including that which may be available from Member States, to assess its probative value; to determine the scope that any further inquiry or investigation should take; and, if possible, to draw conclusions from the investigations already conducted, including by the Independent Panel of Experts (see A/70/132) and the 2013 Commission of Jurists on the Inquiry into the Death of Dag Hammarskjöld (see A/68/800 and Add.1).

I will report on the progress made as requested in paragraph 5 of resolution 71/260. I have the honour to attach herewith a copy of the report of the Eminent Person, which includes an executive summary and an annex, as well as his transmittal letter.

I wish to express my profound gratitude to the Eminent Person for his excellent work, which included reviewing and analysing voluminous new information received from Member States, the United Nations and individuals. His report constitutes a further important step towards fulfilling our shared responsibility to search for the truth.

In his report, the Eminent Person concluded that it is almost certain that Dag Hammarskjöld and the members of the party accompanying him were not assassinated after landing and that all passengers died from injuries sustained during the plane crash, either instantaneously or soon after.

The Eminent Person considered it plausible that an external attack or threat was a cause of the crash. In this connection, the Eminent Person considered that there was

17-14487 (E) 241017

Please recycle

ample eyewitness evidence that tends to establish that there was more than one aircraft in the air at the time flight SE-BDY made its approach to Ndola, that any aircraft present other than flight SE-BDY was a jet and that flight SE-BDY was on fire before it collided with the ground. Flight SE-BDY may have been fired upon or otherwise actively engaged by one or more other aircraft.

The Eminent Person considered in this regard the new information regarding the capability of Katangan forces to conduct an aerial attack, as well as claims made by two individuals to have known of a possible attack on flight SE-BDY that brought about the crash. The Eminent Person noted that it remains possible that the crash was an accident caused by pilot error without external interference and that it is plausible that human factors, including fatigue, played a role in the crash. Finally, the Eminent Person considered that it is not possible at present to conclude whether sabotage was a cause of the crash. He noted a lack of access to original documents concerning an "Operation Celeste" relating to the hypothesis that a bomb had been planted on flight SE-BDY, which caused the plane to crash.

I wish to express my gratitude to Member States for their cooperation with the Eminent Person and their willingness to provide additional information. I note that some Member States have yet to respond to the Eminent Person's requests and that others may provide further information. Pursuant to the Eminent Person's recommendation, I have requested my Under-Secretary-General for Legal Affairs and United Nations Legal Counsel to follow up with Member States on outstanding information requested by the Eminent Person, to receive any additional new information provided by other sources and to advise me on developments.

I intend to report to the General Assembly on any information received, including to what extent any new information might alter the probative value of the information already assessed by the Eminent Person or the Independent Panel. Going forward, the General Assembly may wish to consider the Eminent Person's suggestion that an independent person or persons be mandated to receive, collate and assess new information on an ongoing basis and to transmit such information to the Secretary-General so that the Secretary-General may keep the General Assembly apprised of developments.

I note the Eminent Person's conclusion that a further inquiry or investigation would be necessary to finally establish the facts and "that the information made available to the United Nations has been insufficient to come to conclusions about the cause or causes of the crash, and it seems likely that important additional information exists". I also note his related conclusion "that the burden of proof has now shifted to Member States to show that they have conducted a full review of records and archives in their custody or possession, including those that remain classified, for potentially relevant information". I therefore support the Eminent Person's recommendation that relevant Member States appoint an independent and high-ranking official to conduct a dedicated and internal review of their archives, in particular their intelligence, security and defence archives, to determine whether they hold relevant information.

Upon their appointment, the Legal Counsel would be prepared to engage with such officials and receive any relevant information, and I would report on any progress made in this regard for Member States to consider during the seventy-third session. In this connection, I note the Eminent Person's assessment that, in addition to those Member States that were approached by the Eminent Person, other Member States may also hold relevant information. I would encourage all Member States that may hold relevant information to conduct such a comprehensive review, with a view to making relevant information available.

The United Nations had previously declassified voluminous records that may be relevant in respect of the crash. Pursuant to the Eminent Person's new lines of inquiry,

and his recommendation, the United Nations has begun the process of declassifying records of the United Nations Operation in the Congo relevant to the time of the crash.

Pursuant to paragraph 4 of General Assembly resolution 71/260, I wish to inform the Assembly that the United Nations continues to engage with various national and privately held archives, with a view to exploring the feasibility of the establishment of a central archival holding or other holistic arrangement. This would enable access by electronic or other appropriate means to those records and archives of the United Nations to ensure their continued and enhanced preservation and access.

It remains our shared responsibility to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. I consider this to be our solemn duty to my illustrious and distinguished predecessor, Dag Hammarskjöld, to the other members of the party accompanying him and to their families.

I call upon the General Assembly to remain seized of the matter and to endorse the report of the Eminent Person and his recommendations, with a view to ensuring comprehensive access to relevant information and to establishing the truth.

(*Signed*) António **Guterres**

Letter of transmittal

Letter dated 24 July 2017 from the Eminent Person appointed pursuant to General Assembly resolution 71/260 addressed to the Secretary-General

In my capacity as Eminent Person appointed pursuant to General Assembly resolution 71/260, I have the honour to submit my report in relation to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him, as well as my key findings, conclusions and recommendations. The present letter is followed by an executive summary of my report, which is intended to be read with and as an introduction to the report.

Further to my terms of reference issued by you, I commenced work in March 2017. Building on the work in 2015 of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246, I requested eight Member States and the United Nations to conduct focused searches for information in key subject areas identified by the Independent Panel. The aim of such searches is to better understand the relevant context in which the crash took place and to find potential new and relevant information. I have reviewed the significant amount of new information received pursuant to these searches, as well as a large amount of information from individual researchers. Having determined the relevance, authenticity, credibility and reliability of each piece of new information, I have assessed its degree of probative value as nil, weak, moderate or strong.

Advancements have been made in the body of relevant knowledge, most notably regarding the areas of the probable intercepts by Member States of United Nations communications and the capacity of the armed forces of Katanga to have staged a possible attack against the Secretary-General's plane. I have been able to reach some conclusions, which I present for your review. It has also been possible to identify the potential of intelligence, security and defence archives of Member States as probable sources for the generation of further new and relevant information, which may be of great value in our search for the truth. Far from approaching the possible limit of our understanding, the deeper we have gone into the searches, the more relevant information has been found.

The three mutually compatible and reinforcing recommendations that I have proposed in my report are aimed at accelerating the search for the truth through multiple actions that may be taken by the General Assembly, Member States and the United Nations. These recommendations are made without prejudice to your prerogatives as Secretary-General and to the ultimate decision of the Assembly and concern following up on discrete unfulfilled aspects of the current inquiry, requesting relevant Member States to each appoint an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives, and the possibility of the United Nations reviewing specific records and archives of its own for possible declassification.

I wish to express my gratitude to you for your confidence in trusting me with this assignment, which has been a great honour to undertake. I am indebted to the support of the United Nations, in particular to the Office of Legal Affairs and the Archives and Records Management Section of the Secretariat. The staff of both of these entities provided advice and assistance to me with professionalism, often under significant time pressure. I am also grateful for the excellent support provided by my assistant, Simon Thomas.

I wish to mention my great appreciation for the cooperation that I received from Member States, particularly in conducting expansive searches under necessarily short deadlines. On balance, this process appears to be moving towards greater transparency, and I am grateful to the efforts of Governments in searching for information relating to the death of the late Secretary-General and the others accompanying him, in accordance with General Assembly resolution 69/246. I also acknowledge that it has not been my intent to single out any Member State in my report adversely — it bears observation that those Governments that have provided the most cooperation are necessarily those that I mention frequently in analysing the new information received, as they are usually the source thereof.

I owe a debt of gratitude to the experts who gave freely and generously of their expertise. In particular, I wish to express my appreciation to Mandy Banton, George Bizos, Hans Corell, Colonel Raoul da Costa, Elisabeth de Kemoularia, Jan Eliasson, Stewart Fleming, Torben Gülstorff, Sven Hammarberg, Dr. Ake Hassler, Lord David Lea of Crondall, Lord Jonathan Marks of Henley-on-Thames, Lord John Monks, Michael S. Pollanen, Hans Kristian Simensen, Sir Stephen Sedley, Christelle Terreblanche, David Wardrop and others who wished not to be mentioned by name. I must mention my thanks to Susan Williams singularly, given the outstanding nature of her contributions.

Finally, I again extend my profound respect to the families of those who perished in the service of the United Nations on the night of 17 to 18 September 1961. These families have shown remarkable patience, and they are owed our continuing commitment to ascertaining the truth of what happened on that fateful night.

(*Signed*) Mohamed Chande **Othman**
Eminent Person

Executive summary

Introduction

1. On the night of 17 to 18 September 1961, a chartered DC-6 plane registered as flight SE-BDY, carrying the Secretary-General of the United Nations, Dag Hammarskjöld, crashed just after midnight near Ndola, in what was then Northern Rhodesia. Hammarskjöld and 14 of the 15 members of the party accompanying him died instantly, with the sole survivor succumbing to injuries six days later. The fledgling United Nations lost its second Secretary-General, who would posthumously receive the Nobel Peace Prize, and 15 other dedicated women and men who served in a mission for peace in the Congo.

2. In the 56 years since the crash, a series of inquiries have explored various hypotheses for the crash, including an aerial or ground attack or other external threat ("external attack or threat"), sabotage, hijacking and human error. To date, the inquiries have not been conclusive. Following two Rhodesian inquiries in 1961, a United Nations Commission of Investigation determined that it was not able to find support for, or exclude any, of the various hypotheses that had been advanced to explain the crash. As a result, the General Assembly left further consideration of the matter open in 1962 by requesting the Secretary-General to inform it of any new evidence that might arise. In 2013, the work of the Commission of Jurists on the Inquiry into the Death of Dag Hammarskjöld (the Hammarskjöld Commission), a private and voluntary body of four renowned jurists, led to the General Assembly establishing an Independent Panel of Experts in 2015 to examine and assess the probative value of new information relating to the tragic incident. While the Independent Panel effectively ruled out some theories, it ultimately recommended the need for a further inquiry or investigation. To that end, I was appointed as Eminent Person in 2017.

Areas of present inquiry

3. Pursuant to General Assembly resolution 71/260, the scope of my mandate as Eminent Person has, as with the Independent Panel, included reviewing potential new information regarding the death of Dag Hammarskjöld and of the members of the party accompanying him, and assessing its probative value. It has also included determining the scope that any further inquiry or investigation should take and, if possible, drawing conclusions from the investigations already conducted.

4. Further to General Assembly resolutions 69/246 and 71/260, in which the Assembly encouraged Member States to release any relevant records in their possession, in April and May 2017 I sent requests for information in specific areas of interest to eight Member States, the United Nations and certain individuals. The Member States identified on the basis of existing information as those most likely to hold relevant information were Belgium, Canada, France, Germany, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. However, given the decolonization and geopolitical processes in Africa in the 1960s, as well as Member State support for the United Nations Operation in the Congo (ONUC) at that time, it is possible that other Member States also hold relevant information.

5. Building on the Independent Panel's conclusion that there may be an "appreciable lead" in new eyewitness testimony, claims of alleged intercepts of communications regarding the plane crash, and information concerning the air capability of armed forces in Katanga, I requested that searches focus on the following non-exhaustive categories, as may have been relevant to the situation in or around the Congolese province of Katanga in 1961: (a) intercepts of communications regarding

the plane crash or surrounding events; (b) the capability of the armed forces of Katanga, including its air forces; (c) the presence of foreign military, paramilitary or irregular (including mercenary) troops and/or personnel; (d) the presence of foreign intelligence agencies or personnel; (e) attacks on ONUC; and (f) intelligence, security, technical and/or political cooperation with the provincial government of Katanga.

New information

6. I received responses to my search requests from Belgium, Canada, Germany, the United Kingdom and the United States. I am indebted for the assistance that I received, which uncovered a large amount of valuable new information. I can confidently state that the deeper we have gone into the searches, the more relevant information has been found. It is not a tenuous conclusion to advance therefore that further searches would be likely to turn up additional relevant information. Recalling the areas identified as appreciable leads by the Independent Panel, the present report has particularly benefited from substantial new information regarding intercepts of communications and the capability of Katangan armed forces in 1961, as summarized briefly below.

Intercepts of communications

7. The Independent Panel considered the reports of two United States officers who separately claimed to have read or heard a transmission regarding an attack on the night of 17 to 18 September 1961 on SE-BDY. One of those individuals, Charles Southall, a Navy Commander whose service record the United States had previously confirmed, sadly passed away in 2015. However, the service record of the other officer, Paul Abram, a United States Air Force Security Services Officer, was confirmed by the United States only in July 2017, along with new information that disputes Abram's location at the time he reported hearing the intercept. While I was not able to resolve this matter before concluding my work, now that the United States has identified Abram as a former member of one of its services, it should be possible to conduct a full inquiry concerning his claim.

8. In addition, I also received new information from the United Kingdom, the United States, the United Nations and individuals, which appears to establish that Rhodesian and United Kingdom authorities intercepted United Nations communications in the Congo in 1961. In addition, for the first time, I received confirmation from the United States regarding the presence of its military assets in and around Ndola on that fatal night, including between one and three Dakota aircraft. Such aircraft had sophisticated communications equipment which allowed them to intercept, transmit and receive communications over long distances, including intercontinentally. I was also grateful to receive information from the United Kingdom and the United States that appears to establish officially for the first time (in the context of this matter) the presence of their intelligence, security and defence operatives in and around the Congo at the relevant time. Although such information does not of itself go to establishing a possible cause or causes of the crash directly, it strongly suggests that further relevant information, including potentially concerning the cause or causes of the crash, is likely to be available in the intelligence, security and defence archives of Member States.

Possible external attack or threat, including capacity of the armed forces of Katanga

9. The hypothesis of an external attack or threat has included a theory that the plane may have been attacked, menaced or distracted by a Fouga Magister jet operated by Katangan forces. In considering the capacity of such forces, the inquiries of 1961/62 appeared to understand that Katanga had only one operable Fouga at the

relevant time, with only one pilot able to fly it. New information contradicts that understanding. Regarding the presence of Fouga jets, the Independent Panel considered a claim made by David Doyle, confirmed by the United States as a former Central Intelligence Agency (CIA) officer, that three Fouga aircraft were supplied by "the French" with "CIA assistance" in 1961. While the United States advised in 2015 that it had no knowledge of the delivery of Fouga jets to Katanga, in 2017 the United States and other sources provided information appearing to substantiate that on or about 16 February 1961, three Fouga jets that had been purchased from France were delivered to Katanga by a United States commercial carrier, against objections of the Government of the United States. I have assessed the probative value of this new information as being strong.

10. In addition, new information received from the United States and the United Nations suggests that at least two Fouga jets may have been operable around Katanga on the night of 17 to 18 September 1961. This is a matter which, further to the ascertainment of more facts, remains to be finally determined. I also received information from the United States suggesting that a Fouga may have been used at the relevant time in air-to-air attacks, including against United States aircraft in Katanga, which would no doubt have been a matter of interest to United States defence agencies. Other information received refers to Fouga jets having flown at night or from unpaved airfields in Katanga, both of which suggest that the pilots there were able to utilize the jet outside of its ordinary capabilities.

11. Regarding the availability and use of other types of aircraft in Katanga, the Independent Panel considered information suggesting that Katanga may have also had De Havilland Dove and Dornier DO-27/DO-28 aircraft available to it. I also received information in 2017 from Germany and a researcher which reinforced that at least one Dornier DO-28 aircraft appears to have been supplied on a commercial basis to Katanga from West Germany before the night of 17 to 18 September 1961 and that the aircraft may have been modified to be able to conduct aerial attacks and bombings during the day and night. I have not been able to rule out the possibility that there was another non-Katangan aircraft in the air that night. If migrated Northern Rhodesian intelligence, security and defence archives exist in the United Kingdom, they may have further information on this topic.

12. I also received information from the United States and the United Nations indicating that there may have been more airfields existing in and around Katanga at the relevant time than had originally been understood and that Katangan forces were apparently not limited to using airfields in Katanga. With the very helpful assistance of the Geospatial Information Section of the Department of Field Support of the Secretariat, maps are annexed to my report to give a visual representation of this information.

13. I also received information regarding an unauthenticated claim made by a Belgian pilot, "Beukels", to Claude de Kemoularia in 1967 that Beukels shot down or otherwise forced SE-BDY to crash. In the course of my work, I was for the first time given access to the originals of De Kemoularia's agendas, as well as many of his personal records, which appear to verify his meeting with "Beukels" and other mercenaries in 1967. I also reviewed De Kemoularia's letters showing that he had gone to the French and Swedish authorities regarding Beukels's claim much earlier than previously understood. However, without further information, I was not able to verify other aspects of the claim, including, most notably, the identity of "Beukels".

Possible sabotage

14. One theory that has been advanced is that a bomb planted on SE-BDY was activated before landing and caused it to crash, as part of a plot to "remove"

Hammarskjöld. To assess this hypothesis, I attempted to obtain access from South Africa to the "Operation Celeste" documents, which concern this claim. While the General Assembly had made provision of funds for the relevant documents to be forensically tested and I had arranged the terms of reference for a renowned expert to conduct this analysis, at the time of writing, access to the documents had not been granted.

Human error

15. I was presented with new information alleging that alcohol or drug consumption by the aircrew may have had a causal influence in the tragic event. However, based on the initial medical reports, including their toxicological findings, and independent expert opinions I sought in 2017, there is no evidence that authenticates this allegation.

Other connected matters

16. An assessment was made of new information on the delayed deployment to the Congo of jet fighters from Ethiopia that had been requested by the former Secretary-General in September 1961 before his departure for Ndola and were meant to counter the Fouga air attacks against ONUC; the alleged influence on the United Nations Commission of Investigation by the United Kingdom; and gaps between various accounts of witnesses before the early inquiries and between official records of various Governments. I did not find it established that this new information amounted to any cover-up or collusion involving the tragic event.

Conclusions and recommendations

17. Although my report is not intended to sit in judgment over the earlier official inquiries, I believe it can be established that the 1961/62 inquiries, while substantial contributions, had shortcomings. In particular, a promising opportunity was lost when the evidence of local witnesses was not given due regard. More recent inquiries have gone some way in attempting to hear additional available evidence from surviving local witnesses. This, as well as a general undervaluing of the evidence of Harold Julien, the sole, if temporary, survivor of the crash, may have affected the exhaustiveness of the earlier inquiries' consideration of the possible hypotheses, in particular that of an external attack or threat as a possible cause of the crash.

18. Based on the totality of the information that we have at hand, it appears plausible that an external attack or threat may have been a cause of the crash, whether by way of a direct attack causing SE-BDY to crash or by causing a momentary distraction of the pilots. Such a distraction need only have taken away the pilots' attention for a matter of seconds at the critical point at which they were in their descent to have been potentially fatal. There is a significant amount of evidence from eyewitnesses that they observed more than one aircraft in the air, that the other aircraft may have been a jet, that SE-BDY was on fire before it crashed, and/or that SE-BDY was fired upon or otherwise actively engaged by another aircraft. In its totality, this evidence is not easily dismissed.

19. Theories that there may have been a mechanical or other material failure, including with the altimeters, that the wrong altimeter setting (QNH) was conveyed or that the wrong landing charts were used have, to my mind, been adequately dismissed. It of course remains conceivable that the crash resulted from pilot error, despite the experience of the crew and the normal conditions that preceded the approach to landing. However, before such a conclusion may be reached, one would need to be certain that all of the potential evidence had been reviewed. This has not been done, and the fact that Member States have not fully identified all relevant

information that they may hold has in itself now become a pertinent material fact in this matter. In combination with the evidence discussed above regarding a possible external attack or threat, these matters suggest that more can and ought to be done for our consideration of the matter to be exhaustive. What is acutely needed is that all Member States that may hold relevant information should thoroughly review their intelligence, security, defence and other records and to disclose or at least confirm the existence of any relevant material or, if no such relevant material exists, make an explicit and unequivocal statement to this effect.

20. In the time available to me, and in view of the emergence of new matters requiring further ascertainment of facts and/or expert opinion, I was not able to conclude all aspects of my work. My first recommendation is therefore that the Secretary-General and/or his independent designate follow up on discrete, unfulfilled aspects specifically identified in the current inquiry. I have listed what I believe to be achievable areas in my report, including following up on requests for further searches from those Member States which have not yet responded.

21. In the light of the analysis of my report, it appears to me reasonable to conclude that the burden of proof has now shifted to Member States to show that they have conducted a full review of records and archives in their custody or possession, including those that remain classified, for potentially relevant information. My second recommendation is therefore that relevant Member States each be requested to appoint an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives, to determine whether relevant information exists. The primary area of interest is that of radio intercepts and related records (including, for example, tapes, transcripts, secondary/tertiary information and other material), most particularly regarding possible communications by or between SE-BDY, any other aircraft, ground forces and air traffic control. Any such information regarding what occurred during the last minutes of SE-BDY, if verifiable, will be likely to either prove or disprove one or more of the existing hypotheses, bringing us more proximate to closure.

22. In the interest of the United Nations leading by example, my third recommendation is that the Organization review its own specific records and archives for possible further declassification. This would include the records of the Eminent Person and those records of ONUC to which my first recommendation refers, as well as all records relating to the tragic incident, for their possible declassification.

23. I note that this matter may benefit from having a specific person or persons mandated on an ongoing basis to receive and collate new information in order to transmit it to the Secretary-General. In my opinion, it would be useful for such a person or persons, using the conclusions of the present report as a guide, to carry out intermittent assessments of the degree to which any new information adds to our knowledge of the conditions and circumstances resulting in the tragic incident, in order that the Secretary-General may keep the General Assembly apprised of such developments.

24. An incident such as this where one or more of the hypotheses of the air crash may have involved an adverse or hostile act or acts on the Secretary-General of the United Nations is a matter of highest public interest. Almost 56 years after the crash of SE-BDY, we are at a point in time where Governments have in part declassified once top-secret material of the same era, aware that it concerns events, and indeed a world, long past. We have made progress in understanding the whole truth about the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him. Momentum towards a shared truth should be harnessed to encourage the meaningful participation of key Member States in identifying material relevant to the tragic incident, which is now more than ever

necessary to allow us to fill the remaining gaps in the narrative. This is a step that must be taken before this matter, and the memories of those who perished on flight SE-BDY in the service of the Organization, may rest.

Report of the Eminent Person appointed pursuant to General Assembly resolution 71/260

Contents

		Page
I.	Introduction	13
	A. Background: previous investigations and inquiries	13
	B. Mandate and definitions	14
	C. Methodology and activities	15
II.	Summary of the key findings of the Independent Panel	17
	A. Preliminary note on the findings of the Independent Panel	17
	B. Summary of the key findings of the Independent Panel	17
III.	Expanded searches for information: Member States and the United Nations	18
	A. Introduction	18
	B. Expanded search request: responses from Member States	19
	C. Expanded search request: response from the United Nations	21
	D. Observations on limitations of searches	22
IV.	New information about possible causes of the crash	22
	A. Aerial or ground attack or other external threat	22
	B. Sabotage: Operation Celeste/South African Institute for Maritime Research	35
	C. Human factors	36
V.	Other new information	38
	A. Acts of local officials and authorities	38
	B. Search and rescue	39
	C. Intercepts of communications	40
	D. Other	44
VI.	Findings and conclusions	45
	A. Shortcomings of the initial inquiries	46
	B. Cause or causes of the crash	48
	C. Other matters	55
VII.	Recommendations and conclusion	58
	A. Basis for recommendations	58
	B. Recommendations	59
Annex		62

I. Introduction

A. Background: previous investigations and inquiries

1. The tragic events were first officially examined by the Investigation Board of the Department of Civil Aviation of the Federal Government of Rhodesia and Nyasaland (the Rhodesian Board of Investigation), which convened from 19 September to 2 November 1961. Subsequently, a Federal Commission of Inquiry was established under the Federal Commission of Inquiry Act of 1955 (the Rhodesian Commission of Inquiry). Following this, the United Nations General Assembly established the 1961 United Nations Commission of Investigation (the 1961 Commission) by resolution 1628 (XVI) to conduct an international investigation into the conditions and circumstances resulting in the tragic deaths. As already noted, the 1961 Commission was not able to find support for or to exclude any of the hypotheses regarding causes of the crash. Accordingly, following the publication of the 1961 Commission's report (A/5069), the General Assembly, in its resolution 1759 (XVII), took note of the report and requested the Secretary-General to inform it of any new evidence that may come to his attention.

2. In 2013, the Commission of Jurists on the Inquiry into the Death of Dag Hammarskjöld (the Hammarskjöld Commission), a private and voluntary body, released a report on whether the United Nations might be justified in resuming an examination of the conditions and circumstances resulting in the tragic event. The Hammarskjöld Commission comprised four renowned international jurists who reviewed and reported on a vast range of material, including the substantial work done by individual researchers such as Susan Williams, author of the 2011 book *Who Killed Hammarskjold? The UN, the Cold War and White Supremacy in Africa*. The Hammarskjöld Commission concluded its report with the opinion that, indeed, the United Nations would be justified in reopening the 1961 Commission's inquiry, as there was sufficient evidence to merit further inquiry into whether the plane was forced into its descent by some form of hostile action.

3. On 21 March 2014, the then Secretary-General of the United Nations, Ban Ki-moon, submitted the Hammarskjöld Commission's report, accompanied by a note providing his assessment that the report contained new evidence (A/68/800 and Add.1), to the General Assembly. On the basis of the report and the Secretary-General's assessment, on 29 December 2014 the General Assembly adopted resolution 69/246, in which it requested the Secretary-General to appoint an independent panel of experts to examine new information and to assess its probative value. In that resolution, the Assembly also encouraged Member States to release and provide any relevant records in their possession to the Secretary-General.

4. On 16 March 2015, the Secretary-General announced that he had appointed the Independent Panel of Experts (the Independent Panel) to examine new information and to assess its probative value, as requested by the General Assembly. He appointed me, Mohamed Chande Othman, at that time the Chief Justice of the United Republic of Tanzania, as the Head of the Independent Panel, as well as an aviation safety expert, Kerryn Macaulay (Australia), and a ballistics expert, Henrik Larsen (Denmark). The Independent Panel carried out its work over approximately 10 weeks, providing its report to the Secretary-General on 12 June 2015. The findings of the Independent Panel are discussed further in section II below. After receipt of the report of the Independent Panel, it was necessary for the Secretary-General to follow up on some of the requests for information made by the Independent Panel to Member States, which had not yet been answered at the time of its report. He did so, reporting to the General Assembly on 16 August 2016 (see A/70/1017). After considering the note by the Secretary-General, the Assembly adopted resolution 71/260 on 23 December

2016. In that resolution, the Assembly, among other things, requested that the Secretary-General appoint an eminent person to review the potential new information, to assess its probative value, to determine the scope that any further inquiry or investigation should take and, if possible, to draw conclusions from the investigations already conducted.

B. Mandate and definitions

5. As stated above, the Independent Panel's mandate was to examine and assess the probative value of new information related to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In particular, the Independent Panel was tasked to review the report and source materials of the Hammarskjöld Commission, as well as any relevant records released by Member States or other relevant information that might be provided by Member States or other sources; to interview witnesses and other persons who provided new information, as well as experts who could authenticate or explain technical aspects of that information; to visit the site where the incident occurred, if necessary and appropriate; and to produce a report on its findings, including with new statements from witnesses interviewed by the Independent Panel and any new records or information provided by Member States or other sources. The Independent Panel concluded its work in accordance with that mandate in 2015. Its key findings are summarized below.

6. The role of the Eminent Person builds on the work of the Independent Panel and goes further. Pursuant to General Assembly resolution 71/260, the mandate of the Eminent Person, like that of the Independent Panel, includes reviewing potential new information, including that which may be available from Member States, and assessing its probative value. The mandate of the Eminent Person also includes determining the scope that any further inquiry or investigation should take and, if possible, drawing conclusions from the investigations already conducted. A qualification that needs to be made with regard to the Eminent Person's mandate is that, as with that of the Panel, it does not involve a full investigation or inquiry into the tragic event.

7. The Independent Panel identified two broad categories of "new information" relating to the tragic event. The first of these was information that, by virtue of its content or the timing of its availability, was not available to the 1961 Commission. The second category was information that may have been available to the 1961 Commission, but which could be seen in a new light owing to the emergence of new material, scientific or technical developments or best practice. I have adopted a similar approach to these definitions and have also included material that has become available in the two years since the Independent Panel's report. My current mandate, which is broader than that of the Independent Panel, has also necessitated that I reconsider information that was analysed by the Hammarskjöld Commission and the Independent Panel, in the light of the new information that has emerged since they concluded their respective processes.

8. I have approached the definition of "probative value" in the same manner as the Independent Panel, namely, whether and to what degree the information in question tends to prove or disprove, either by itself or in combination with other information, the existence or non-existence of a relevant fact or facts. In the case of each piece of potential new information, I have considered the following non-exhaustive criteria: the authenticity of the information (including consistency and contemporaneousness), the type of information (e.g. primary, secondary, hearsay or circumstantial), its credibility (including its consistency with other information or established facts), any

expert technical assessments, and the degree to which the information is corroborated by other material.

C. Methodology and activities

1. Description of methodology and activities

9. In order to discharge the responsibilities of my mandate, I have been required to review the reports of the earlier official inquiries, to examine and assess the information subsequently obtained from Member States and individuals, to consult with Governments and other sources of information, and to interview witnesses, including expert witnesses.

10. The Independent Panel assigned one of four categories to each piece of new information whose probative value it assessed: nil, weak, moderate or strong. I see no reason to depart from these categories, and again make the observation that the assessment of the probative value of a piece or pieces of information is not necessarily static and can change, including as a result of the emergence of additional new information at a later date. The fact that an item of new information may be assessed as weak, for example, does not necessarily mean that the hypothesis to which it relates has been disproved. Rather, the assessment relates specifically to the particular piece of evidence and whether it tends to prove or disprove a fact in question.

11. In considering potential new information, in the present report I have considered whether any novel rumour or story on the conditions and circumstances concerning the tragic event should be pursued. It should be recalled that the 1961 Commission had also considered rumours in its examination of the probable causes of the event. Considering the significant lapse of years involved, the possibility of currently available information being used to purposely construct false or misleading narratives, and the primary interest in the search for full truth that animates the present report, it is my view that any alleged potential new information provided should at least be grounded in some foundation or material (factual, legal, circumstantial or by inference), however slight, to call for further examination. This is not intended to foreclose the reception of new information, but rather to confirm that there is no real potential in bare or outlandish assertions.

12. There have been developments in our knowledge of the relevant context in and around the Congo in the early 1960s, insofar as it may inform our understanding of the tragic incident. This is due largely to the work done in recent years by the Hammarskjöld Commission, the Independent Panel and private researchers. The more that searches have been conducted or information has been made publicly available, the more potentially new and/or relevant information has surfaced. As a result, requests for new information and searches have necessarily also been broadened.

13. Accordingly, in accordance with General Assembly resolutions 69/246 and 71/260, in which the Assembly encouraged Member States to release any relevant records in their possession and to provide to the Secretary-General relevant information, in April and May 2017 I sent requests for information to the following Member States: Belgium, Canada, France, Germany, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America. These searches are discussed further in section III below.

14. Since the conclusion of the work of the Independent Panel, the Secretary-General has received communications from individuals (see A/70/1017) in connection with this matter. Having been provided with the records by the Secretary-General, I reached out to those individuals in the course of my work and have analysed relevant information received from them, as well as from other individuals who provided

information on a voluntary basis. The information received is also discussed in section III below.

15. In the course of my work, I held various meetings in New York, including with the representatives of various Member States, the United Nations Secretariat and a representative of the family members of the victims. I also met in the United Kingdom with the Chair of the Hammarskjöld Inquiry Trust, Lord David Lea of Crondall. In addition, I met with the former Head of the Hammarskjöld Commission, Sir Stephen Sedley, and the academic and historian Susan Williams, whose 2011 work was seminal in the reinvigoration of interest in this matter. In addition, I corresponded with various voluntary researchers and interested parties.

16. In compiling my report, I have been assisted by expert opinions and technical assessments from various individuals who have acted on a voluntary basis. I am very grateful for their work and contributions under significant pressure of time. For expert assessments related to medico-legal information, I received assistance from the Chief Forensic Pathologist of Ontario and Professor of Laboratory Medicine and Pathobiology at the University of Toronto, Michael S. Pollanen, and the Director of the Centre for Forensic and Legal Medicine at the University of Dundee, Stewart Fleming. For expert assessments related to aircraft, I received assistance from two former fighter pilots, Colonel (retired) Raoul da Costa, former Chief of Air Staff of the Senegalese Air Force, and Sven Hammarberg, accident investigator.

2. Constraints and limitations

17. The Independent Panel had only a short period of time in which to conduct its work, which included reviewing the vast quantities of material made available to it. In accordance with its mandate, the Panel assessed and assigned probative value to the new information that it was provided with. It also attempted, to the extent possible, to summarize the relevant information and assess its authenticity and credibility. At the same time, given the huge nature of its task and the limitations of its time and resources, the Independent Panel was not able to verify every aspect of the information.

18. In the course of my work, I have faced analogous limitations of time and resources. Furthermore, each new piece of information that holds probative value potentially opens new doors to further lines of inquiry. For these reasons, the present report, even when read with those that have preceded it, does not claim to be a comprehensive treatise on the subject matter; rather, it represents a part of a process in the search for the full truth that continues to add to a dynamic narrative. As to the ultimate question, namely, what caused the plane to crash, I do not believe that we have seen all relevant material that exists. However, it is possible to arrive at a number of findings and to reach certain conclusions on the basis of the existing body of information, which are set out in section VI below.

D. Structure of the report

19. Given that the present report represents a continuation of the process most recently undertaken by the Independent Panel, its key findings are briefly revisited in section II below. Sections IV and V contain a summary and assessment of the probative value of relevant new information received in the two-year period since the conclusion of the Independent Panel's work in 2015. Section VI contains the findings and conclusions of the present report. Section VII contains my recommendations and concluding remarks.

20. It should be noted that the new information is presented under subheadings that broadly correspond to those used by previous official inquiries, including, most

recently, the reports of the Hammarskjöld Commission and the Independent Panel. This structural approach does not in and of itself provide an endorsement of the relative likelihood of any particular hypothesis of the cause or causes of the aircraft crash. Rather, it is intended to provide consistency for ease of reference between the present and previous reports, given that a proper treatment of the subject matter requires that they be read together.

II. Summary of the key findings of the Independent Panel

A. Preliminary note on the findings of the Independent Panel

21. The Independent Panel made assessments of the probative value of the new information available; however, given the circumscribed nature of its mandate, its assessment of the probative value of information was not a determinative assessment of any of the underlying hypotheses. Where the Independent Panel made a finding of a lack of probative value, that was an assessment of a particular claim made, based on the evidence put forward in support thereof. In some cases, there was no evidence put forward at all, but merely a bare narrative of an allegation. Thus, a finding by the Panel that an allegation had nil, weak, moderate or strong probative value was not to say that the allegation was true or otherwise; it was instead an assessment based on factors including the quality of evidence offered in its support. The following is a summary of the key findings of the Independent Panel regarding information which it assessed as having moderate probative value, as well as those that it assessed as having weak probative value, but about which further information has since been received. For a complete consideration of the claims reviewed by the Independent Panel, its report is indispensable.

B. Summary of the key findings of the Independent Panel

22. In relation to the cause of death of the crew and passengers of flight SE-BDY, the Independent Panel determined that the findings and conclusions of the original post-mortem examinations conducted by Drs. Ross, Smith and Stevens in 1961 were well founded, that is, both the contemporaneous and the new information supported the conclusion that all passengers died from injuries sustained during the plane crash, either instantaneously or soon after. Accordingly, it was the Independent Panel's conclusion that other claims regarding the cause of death, including that Dag Hammarskjöld was assassinated either before the crash or after surviving it, lacked probative value.

23. Regarding information about the final stages of flight SE-BDY, the Panel considered new information from eyewitnesses. It assigned moderate probative value to the information provided by 9 of the 12 new eyewitnesses insofar as it helped to establish one or more issues relating to an aerial or ground attack or other external threat. This information is considered further below. In the same category, the Independent Panel also assigned moderate probative value to claims made by two individuals, Charles Southall and Paul Abram, who stated separately that, while serving with the United States armed forces, they had listened to or read a transcript of an intercept of radio transmissions on the relevant night relating to what they believed was an attack on SE-BDY that brought about the crash.

24. The Independent Panel found that documents purportedly issued by the South African Institute for Maritime Research ordering "Operation Celeste", which targeted Hammarskjöld's "removal", lacked probative value. This finding was largely based on the fact that it was not possible to establish their authenticity, uncertainty over

their chain of possession, and the non-confirmation of whether the Institute existed in September 1961. The possibility of receiving further new information regarding these documents came up again when South Africa notified the United Nations in 2016 that it may have identified as yet unseen documents related to this issue. This is discussed further in section IV below.

25. The Independent Panel assigned moderate probative value to information that three of the four members of the flight crew did not appear to have had sufficient opportunity for adequate rest before flight SE-BDY. The information was a contemporaneous analysis conducted by qualified staff working for the relevant Swedish authorities, drawing from records of Transair, the company that operated flight SE-BDY.

26. The Independent Panel found moderate probative value in new information that suggested that the aircraft wreckage was discovered by Northern Rhodesian authorities before the officially stated 1510 hours. This information came from two eyewitnesses and was related to information that the British High Commissioner to the Federation of Rhodesia and Nyasaland, Lord Alport, had learned of the crash upon arrival in Salisbury at 1400 hours on 18 September 1961, which was also assessed as being of moderate probative value.

27. The Independent Panel attributed moderate probative value to information claiming that encrypted United Nations communications were intercepted by intelligence agencies of the United Kingdom and the United States. This information was provided by the brother-in-law of the founder of Crypto AG, the Swiss company that produced the CX-52 cryptographic machine used by Hammarskjöld during his visit to the Congo.

III. Expanded searches for information: Member States and the United Nations

A. Introduction

28. In 2015, Member States were requested to conduct searches in their records and archives for information that might shed light on the tragic event. Although no determinative information was produced regarding the cause of the crash, as noted above, the Independent Panel was able to analyse information that had differing degrees of probative value. Accordingly, in 2017, I requested a number of Member States to continue their searches within a focused range of subject areas. The aim of such searches is to better understand the relevant context in which the crash took place and to find potential new and relevant information. I also requested that the United Nations conduct searches of its records and archives in a corresponding manner.

29. My requests for further searches were directed to the United Nations, the eight Member States of Belgium, Canada, France, Germany, the Russian Federation, South Africa, the United Kingdom and the United States. I requested information in the following categories, as it may have been relevant to the situation in or around the Province of Katanga in 1961:

(a) Intercepts of communications regarding the plane crash or surrounding events;

(b) The capability of the armed forces of the provincial government of Katanga, including its air forces;

(c) The presence of foreign military, paramilitary or irregular (including mercenary) troops and/or personnel;

(d) The presence of foreign intelligence agencies or personnel;

(e) Attacks on the United Nations Operation in the Congo (ONUC);

(f) Intelligence, security, technical and/or political cooperation with the provincial government of Katanga;

(g) Information on the possible role of the Belgian company known as Union Minière or Union Minière du Haut Katanga (also known by its acronym UMHK) in the events of 17 and 18 September 1961;

(h) Information on the South African Institute for Maritime Research.

30. The above-mentioned areas of information do not, of course, represent an exhaustive list of those that may be relevant, nor are the Member States to which I directed them the only places where such information may be found. However, I considered that, building on the work of the Independent Panel and previous inquiries, these areas represented lines of inquiry that were not fully explored, or that exhibited possible additional relevance as a result of the development of our knowledge of events. I chose to request assistance from the Member States listed, as they appeared from the existing record to be the most likely to hold immediately relevant information. Without limitation, given the decolonization and geopolitical situation of the Congo in the 1960s and contributions made to United Nations operations, the Member States of Angola, the Democratic Republic of the Congo, Ethiopia, India and Portugal, as well as others, may also hold relevant information.

31. As an additional observation, I note that in making my search requests, I corresponded with Member States in a less formal manner than during the work of the Independent Panel in order to allow communications to be conveyed with efficiency. Accordingly, and for the purposes of clarity and brevity, I am not attaching correspondence with Member States as annexes to the present report; however, relevant information is summarized herein.

B. Expanded search request, responses from Member States

1. Member States from which a response had been received by July 2017

Belgium

32. In May 2017, I made written requests that the Government of Belgium conduct the further searches referred to above. In one of my requests, I also noted:

> It has been brought to my attention that questions directed to the Belgian Parliament last year may have addressed issues related to this topic. Notably, I have received a copy (annexed to this letter) of a "*Question parlementaire*" and its response, Number 54-1-001548, registered 22 November 2016, on the topic of "*Enquête des Nations Unies - Mise à disposition des archives de la Sûreté de l'Etat*". From the response to this "*Question parlementaire*", it appears that the Belgian State Security (VSSE) archives may not have been consulted at the time of the 2015 and 2016 responses provided by the Government of Belgium to questions asked by the 2015 Independent Panel of Experts. If it is the case that the archives of Belgium's security and/or intelligence entities were not searched in preparing the responses to the 2015 Independent Panel's queries, I would request that such searches be conducted now, and the responses reviewed, if necessary. Regarding the mandate of the Eminent Person, and as noted in my letter to you of 16 May 2017, I would request that the Belgian State Security

(VSSE) archives also be consulted in respect of the further specific searches requested in that letter.

33. On 15 June 2017, I received a response from Belgium, together with 10 further documents. The response specifically confirmed to me that defence and State security archives, as well as diplomatic archives, had been searched ("*Les services d'archives de la Défense et de la Sûreté de l'Etat (cette dernière dépendant du Ministre de la Justice) ont mené une recherche dans leurs archives et ont ainsi contribué à la présente réponse. Une nouvelle recherche a été menée dans les archives diplomatiques du Département des Affaires étrangères.*"). I am grateful to Belgium for the research, compilation of search results and transmission of further information. The new information received from Belgium is discussed under the relevant headings below.

Canada

34. In May 2017, through written correspondence, I requested Canada to conduct the searches referred to above, and received a response on 14 July 2017. I am grateful to Canada for the research, compilation of search results and transmission of further information.

Germany

35. In April and May 2017, at a meeting held in person followed by written correspondence, I requested Germany to conduct the searches referred to above, and received a response on 15 June 2017, together with lists of responsive documents located in the archives of the Federal Foreign Office (Politisches Archiv des Auswärtigen Amtes), the German Federal Commissioner for Stasi Documentation (Bundes beauftragter für Stasiunterlagen) and the Federal Intelligence Service (Bundesnachrichtendienst). These lists were stated to represent inventories of potentially relevant files, the right of access to which was regulated by German laws. The response also noted that searches remained ongoing; however, no further information had been received at the time of writing. I am grateful to Germany for the research, compilation of search results and transmission of further information. The new information reviewed as a result of the searches undertaken by Germany is discussed under the relevant headings below.

United Kingdom of Great Britain and Northern Ireland

36. In April and May 2017, at a meeting held in person followed by written correspondence, I requested the United Kingdom to conduct the searches referred to above. On 21 June 2017, I was advised that a folder of relevant documents had been located at the Foreign and Commonwealth Office archives. Access was made available to these documents in London, and copies were sent to New York. I am grateful to the United Kingdom for the research, compilation of search results and transmission of further information. The new information received from the United Kingdom is discussed under the relevant headings below.

United States of America

37. In April and May 2017, at a meeting held in person followed by written correspondence, I requested the United States to conduct the searches referred to above. In June 2017, I was sent several batches of information from the United States that were identified as fulfilling the search requests. I received approximately 1,500 documents, the majority of which were telegrams and other correspondence, or reports. I am grateful to the United States for the research, compilation of search results and transmission of further information.

38. I also requested clarification on a number of queries that followed from the work of the Independent Panel, to which I received a response in June 2017. One of my queries was whether the "three responsive documents" identified by the 2013 Hammarskjöld Commission as being classified at that time had all been seen by one or more members of the Independent Panel by the time it completed its work. The answer from the United States was in the affirmative, that two of the documents were shown to Independent Panel member Ms. Macaulay in 2015, and the third was one of the cables from the United States Ambassador in Leopoldville (now Kinshasa), Edmund A. Gullion, of 18 September 1961, referring to the possibility that the Secretary-General's plane may have been shot down. It was also confirmed to me that this cable was transmitted on 18 September 1961, not 17 September, as apparently indicated on one copy of the document. Other new information received from the United States, as well as the responses to my queries, are discussed under the relevant headings below.

2. Member States from which a response was not received

France

39. In May 2017, through written correspondence, I requested France to conduct the searches referred to above. Although I received notification that the request had been sent to the relevant authorities in France and despite my further follow-up in June 2017, I did not receive a response to my queries by the requested deadline of 15 June 2017, or at all.

Russian Federation

40. In April and May 2017, at a meeting held in person and subsequently followed by written correspondence, I requested the Russian Federation to conduct the searches referred to above. Although I received notification in May 2017 that my request had been received and despite my further follow-up in June 2017, I did not receive a response to my queries by the requested deadline of 15 June 2017, or at all.

South Africa

41. In April and May 2017, at a meeting held in person followed by written correspondence, I requested South Africa to conduct the searches referred to above. Although I received notification in May 2017 that my request had been received and despite my further follow-up in June 2017, I did not receive a response to my queries by the requested deadline of 15 June 2017, or at all.

42. Separately, I requested South Africa to grant access to the documents relating to Operation Celeste. This matter is discussed further below in section IV.

C. Expanded search request: response from the United Nations

43. In April 2017, I requested the United Nations to conduct the searches referred to above. I also provided a list of further keywords related to these topics, with a request that they also be included in the searches. From these searches, I selected what I believed were the most relevant folders, which were reviewed in physical and electronic form.

44. I was given unfettered access to all United Nations archives, as well as excellent assistance from staff of the Archives and Records Management Section of the Department of Management of the Secretariat. However, some of the files I reviewed retained a classification level of confidential or strictly confidential, meaning that they would not be available to the general public. I make a recommendation regarding

the potential declassification of certain files in section VII. The new information received from the United Nations is discussed under the relevant headings below.

D. Observations on limitations of searches

45. It is necessary to note that the expanded searches cannot be stated as having been comprehensive. Certain limitations have applied to my task as Eminent Person, including that I have been one person with one assistant and only a number of months in which to conduct research, review thousands of pages of materials in various languages and report on my findings. There are some limitations which may be less obvious: for example, the majority of the United Nations archives are not digitized, meaning that comprehensive searches cannot generally be made by using keywords; usually, only the (often generalized) name of the folder is apparent. I understand that this is also the case for many Member State archives. Furthermore, even when material has been scanned, it is not the case that keyword searches will reveal the information sought, which could be due to alternate spellings, for example in the wildly variant spelling of mercenary names or aliases, or due to poor digital character recognition of old typeset or handwritten documents.

46. The most severe limitation on the comprehensiveness of the search process has not, however, been the technical or resource constraints, but the fact that relevant Member States have not all provided full, genuine and proactive cooperation. I am grateful for the assistance that I have received from certain Member States, but there remains much more work to be done if a full picture of the circumstances and facts is ever to be attained. Belgium and Germany are the only Member States that appear to have explicitly confirmed that searches included defence, intelligence and security archives; however, even with these Member States, it is not yet clear whether those searches were exhaustive.

47. There is a case to be made for greater cooperation from Member States. The trend has been in the disclosure of more and more new information in the political and diplomatic realm, rather than that probably available within intelligence, security and defence authorities or agencies, given the highly charged political and military situation that the Congo faced in the early 1960s and the Cold War. Accordingly, the searches and discoveries thus far cannot be described as comprehensive.

48. Our efforts to retrieve relevant information continue to produce additional material of probative value. The vein of relevant information has not tapered off or approached running out; as the current stage of searches has shown, it remains rich with information. It is not a tenuous conclusion to advance that further searches would be likely to turn up further relevant information on the circumstances and conditions of the tragic event.

IV. New information about possible causes of the crash

49. The present section discusses new information received from Member States and individuals regarding possible causes of the crash.

A. Aerial or ground attack or other external threat

50. The Independent Panel noted that significant new information related to the hypothesis that another aircraft shot down SE-BDY or otherwise threatened the aircraft in a manner that caused it to crash had come to light since the 1961/62

inquiries. Since the conclusion of the work of the Independent Panel, further information has been received from individuals and Member States.

1. Interception of radio communications: Paul Abram

51. In 2015 the Independent Panel was placed in contact with Paul Abram, who stated that he was a former United States Air Force Security Services Officer. Abram said in an interview with the Independent Panel that he had heard transmissions related to the shooting down of an aircraft in or near the Congo on the night of 17 to 18 September 1961 while stationed at a United States National Security Agency (NSA) listening post in Irakleio, Greece. Abram claimed that a few days before 17 September 1961 he was provided with the expected flight plan of SE-BDY, which included information about the aircraft type and "plane number", as well as its destination of Ndola. He stated that on the night of 17 to 18 September, while working the late shift, he heard someone say over the radio: "Here comes the plane ... the plane is well lit", followed by someone on another frequency stating in non-American accented English, "the Americans just shot down a UN plane", which was followed by a significant increase in "radio chatter". Abram did not believe he heard any communications from SE-BDY during the period in question. He stated that, on hearing this intercept in real time, he advised his colleagues of what he heard, following which other officers present listened to a replay of it. He further stated that he recorded the information on a tape and that the tape would have been shared with the NSA location in Fort Meade, Maryland, and with Government Communications Headquarters (GCHQ), the British intelligence and security organization, in original and by fax. He stated that his NSA supervisors were in Irakleio and at the United States Air Force Security Service Headquarters at Kelly Air Base in San Antonio, Texas.

52. Abram provided the Panel with copies of his service discharge record, as well as a document noting his "Education Service Program" in Irakleio, Greece. On the basis of Abram's testimony and documents, the Panel asked the United States for information regarding whether Abram was enlisted in the United States Air Force or other branches of Government at the time in question, whether he was stationed in Greece, and whether and in what capacity he worked in support of NSA at that time. The United States did not respond to this request for information by the time the Panel completed its work, but the United Nations Secretariat followed up in 2016. In response, the United States answered in June 2016 that the United States Air Force did not have information on Abram. It did not answer the other questions asked.

53. In 2016, Abram provided the United Nations with further documents purporting to prove his service, including his identifier code of "AbelBaker". On the basis of the previously unanswered queries and the further information received from Abram, I provided copies of this information to the United States and requested comments regarding Abram's allegations as to what he heard on the night of 17 to 18 September 1961, including confirmation of the authenticity or otherwise of the information provided regarding his service record. The United States responded to me in June 2017, as follows: "We have been unable to locate any further information about Mr. Abram. We are unable to authenticate the documents you provided purporting to show Mr. Abram's service. We are not aware of any information or documentation in the possession of the US Government which would support or lend credence to Mr. Abram's claims."

54. I received a further communication from the United States on 17 July 2017, a number of days prior to finalizing the present report. It is a five-page form, the first of which matches the service record provided to the Independent Panel by Abram. The other pages contain what appears to be an administrative record of matters relating to his service, including a specialization as "voice intercept protocol

specialist", awards, security clearance, a record of assignments and a notation of foreign service. This information was accompanied by a communication stating that "United States Air Force records ... provide that Paul Abram's tour in Crete began on October 24, 1959. The records further provide that the date Paul Abram returned to the United States was April 7, 1961. Thus, it appears that Paul Abram was not in Crete in September of 1961". Upon receipt of the new information from the United States, I asked Abram for his response, on the basis of my oral summary of the apparent content of the form. Abram confirmed various details of the form and confirmed again his prior statements of having served in Crete. However, Abram stated that the dates listed on the form could not have been correct (he based his recollection on other important life events that had occurred at or near October 1959), that he had definitely been in Crete in September 1961, and that he believed the record (including both the duration and the start/end dates of service in Crete) to have been misrepresented.

55. The provision of information from the United States regarding Abram is a significant development. For the past two years, the United States had advised that it did not have information regarding Abram, notwithstanding the fact that significant details including his service location, role and service record number had been conveyed to the United States for verification. The information now received effectively confirms Abram's claims to have been an intercept specialist operating in Crete with the United States Air Force Security Service, although the forms do not clearly state whether he was attached to NSA. However, the information in the forms is at odds with Abram's claim to have been in Crete in September 1961, something that he states is a misrepresentation. I note that the new documentation appears to be an internal military form and contains many abbreviated words, including in military vocabulary. Given that I received it immediately prior to finalizing my report, I have not been able to ask follow-up questions or seek expert opinion on it.

56. Questions remain regarding the material available before the Independent Panel, Abram's additional information regarding his service as an Air Force Security Services Officer and the response received from the United States. In these circumstances, the Independent Panel's assessment that the probative value of the information provided by Abram that SE-BDY was subjected to an attack was moderate, ought to remain.

2. Possible involvement of mercenary pilots of other agents: Van Risseghem

57. In 2015 the Independent Panel received information that a Belgian pilot named Van Risseghem (also identified as "Van Reisseghem", "Van Rysseghem", "Van Reisenghan", "Van Riesseghel" and other variations) may have piloted a Fouga Magister which shot down SE-BDY. Specifically, the Independent Panel examined a communication dated 18 September 1961 provided by the United States, sent from Leopoldville to Washington, D.C., in which Gullion states, "There is possibility [SE-BDY] was shot down by the single pilot who has harassed UN operations and who has been identified by one usually reliable source as Vam (rpt VAK) Riesseghel, Belgian, who accepted training lessons with so-called Katanga[n] Air Force. Previously he had been assumed to be unknown Rhodesian. As long as he is still operational he may paralyze air rescue operations."

58. However, on the basis of other information provided by Belgium and the United States, the Independent Panel found it to have been established by Belgian authorities that Van Risseghem did not leave Brussels before 16 September 1961, and that therefore he could not have been in Katanga to carry out the aerial attack on SE-BDY. Specifically, Belgium had conducted an investigation involving its Secret Service, which found that Van Risseghem had registered a return on 8 September 1961 to Belgium from Katanga. The Belgian investigation concluded that Van Risseghem was in Belgium between 8 and 16 September 1961 and could not have reached the Congo

from Belgium by the night of 17 to 18 September 1961. The Panel also received a telegram, dated 22 September 1961, sent from the United States Embassy in Brussels to Washington, D.C., which noted that, according to Belgian officials, Van Risseghem was "supposed to have signed a receipt on 17 September for discharge pay received from the Katanga 'Mission' in Brussels". The Government of Belgium noted, however, that the signed document was an authority for another person to collect money on his behalf, from the "Sabina Solidarity Fund", and that it was possible that he either was still in Brussels or may have already have been in Paris en route to the Congo.

59. In 2017, I received further information regarding Van Risseghem which nonetheless suggested that he could have been in Katanga at the relevant time. A report to the Secretary-General from the Officer-in-Charge of ONUC, of 8 October 1962 (S/5053/Add.12), annex I, discusses mercenaries in Katanga. Of Van Risseghem, it states that he "commanded one of the Fougas during the September hostilities (Delin commanded the other one) ... Arrested on 28 August 1961 at Elisabethville, repatriated from Kamina to Brussels on 7 September 1961 (Mil. Info. case file No. 59) ... Is known as 'Captain Jan'. Repatriated on 7 September 1961, but was back as one of the Fouga pilots participating in the September hostilities. He is listed in para. 14 of report of Joint Commission on Mercenaries dated 7 March 1962". United Nations air intelligence logs of 1962 also record his returned presence to Katanga in April of that year, although this is of course approximately half a year later than the events of 17 and 18 September 1961.

60. In information received in 2015 and 2017 from the United States, on 15 September 1961 Gullion conveyed information to the Secretary of State, noting a report of a "single-engine jet fighter attack on Kamina. Tower in voice contact with fighter. Pilot appears to be Belgian. Pilot stated after attacking with rockets and machine guns he would return and attack again". It is not clear how the observation was reached that the pilot appeared to be Belgian; although Van Risseghem was Belgian, so were other mercenary pilots present in Katanga at the time. On the following day, 16 September 1961, Gullion sent a cable to the Secretary of State stating that "commercial pilot yesterday afternoon reports Katanganese jet flew wing to wing briefly and he recognized pilot as large, bearded individual known to us as Van Reisseghem, trainer Katanganese Air Force. Arrived Katanga from Brussels about May 1. Allegedly Sabena pilot. Believe to be only pilot available using both planes on hand". Hammarskjöld also requested on the same date the assistance of Belgium to put an end to Van Risseghem's criminal acts against the United Nations and its properties, as well as attacks against civilians. It was that request that resulted in the Belgian investigation referred to above.

61. The information is conflicting regarding whether Van Risseghem could have been in Katanga at the relevant time. The Belgian investigation stated that it was not possible; however, it did not establish this conclusion beyond a doubt. The completeness of the intelligence information held by Belgium at the time may also be questioned, as further information from Belgium received in 2017 in the Van Risseghem file dated September 1961 identified the pilot of the only "Fuga Magister" in flying condition as one Peter Wigstead (identified as "phonetic" spelling; in other information he is identified as "Wickstead" or "Wicksteed"). The balance of evidence, discussed further below, establishes that there were pilots other than Wicksteed able to operate the Fouga at that time. The information from the United States and the United Nations suggests that Van Risseghem could have been in Katanga by the night of 17 to 18 September 1961, but it is also imprecise and may have been based on imperfect intelligence. Accordingly, it is not possible for me to conclude on this issue at this time. I see no basis to vary the assessment of the probative value as weak regarding the information that a Belgian mercenary pilot by the name of Van Risseghem was involved in an aerial attack on SE-BDY.

3. Possible involvement of mercenary pilots of other agents: Beukels

62. One of the hypotheses that emerged about an aerial attack or other interference related to an allegation that a Belgian mercenary pilot named "Beukels" inadvertently shot down SE-BDY on the night of 17 to 18 September 1961. It was stated that "Beukels" told his story in 1967 to Claude de Kemoularia, Hammarskjöld's former personal assistant (1957-1961), who was later a prominent French diplomat and businessperson. The story was told over a number of interviews in Paris, arranged by a Mr. De Troye, and Mr. Grant, both of whom may also have been former mercenaries. The hypothesis did not become widely known until its discussion in a letter from former senior United Nations officials George Ivan Smith and Conor Cruise O'Brien published on 11 September 1992 in *The Guardian*. The hypothesis was also considered in the 1993 report of the Swedish diplomat Bengt Rösiö, a representative of Sweden in the Congo at the time of the crash, who prepared an investigation report entitled "Ndola Disaster" for the Government of Sweden in 1992/93. An account of his meeting with "Beukels" was included by De Kemoularia in his memoirs, *Une vie à tire-d'aile: Mémoires* (2007). The description in the publication relayed much the same account as that included in Rösiö's report.

63. The Independent Panel considered the details of Beukels's claim. In brief, the claim was as follows, according to the account of De Kemoularia: Beukels stated that on the night of 17 September 1961 he had departed in a Fouga Magister jet from Kolwezi airfield (approximately 430 km north-west of Ndola) accompanied by a second Fouga Magister with an unnamed pilot. Allegedly the pair were under the orders of a Mr. X, considered to be a senior individual over military command, and the Commander-in-Chief of the Katangan forces, Lieutenant Colonel Lamouline, to intercept SE-BDY near Ndola and divert it to Kamina airfield (approximately 620 km north-west of Ndola) in order to have Hammarskjöld meet an "influential European company executive". Beukels stated that he intercepted SE-BDY and told it by radio to divert to Kamina. When these instructions were not followed, Beukels purportedly fired the Fouga's machine guns from behind SE-BDY, inadvertently hitting the tail plane of the DC-6, following which the pilot lost control and the aircraft crashed and burst into flames. A fuller description of Beukels's claims is found in the reports of the Hammarskjöld Commission and the Independent Panel.

64. The Independent Panel assessed the probative value of the information provided by De Kemoularia, Smith and O'Brien regarding the involvement of a Belgian mercenary pilot by the name of "Beukels". In making its assessment, the Panel "found it unexplained that [De Kemoularia] did not come forward with this information earlier" than 1993. This was particularly in the light of the fact that a senior United Nations official, Brian Urquhart, had apparently advised De Kemoularia to inform the police of the matter in 1968, which the Panel understood was not done. Partly on this basis, the Independent Panel assessed the information regarding Beukels as being of "weak probative value. However, in my role as Eminent Person, I have been provided with information suggesting that De Kemoularia did in fact advise the authorities much earlier than the Panel had understood.

65. In May 2017, I was placed in contact — by a source who did not wish to be named — with the daughter of the late Claude de Kemoularia, Elisabeth, who offered to assist me on the basis of her respect for the memory of her late father and what she had understood to be his great admiration for Dag Hammarskjöld. The originals of Claude de Kemoularia's agendas between 1951 and 1992 and between 2006 and 2012 were made available to me, as well as approximately 20 boxes of his personal records, which included records in French (the majority), as well as English, Arabic, Georgian and Russian. I am grateful for the important and useful assistance that I received.

66. In the agendas from 1967, I found various notations between January and May of De Kemoularia's meetings on this subject. The first, 24 January 1967, records "De Troye *et* Grant *sur X* Dag H". Similar recordings are detailed on 5 and 8 February, and that of 11 February contains a note "*avant visite du Pilote du* Fouga Magister", with the entry of 13 February identifying the pilot as "Beuchels". Additional meetings with De Troye (Grant and Beukels, spelled subsequently as "Beukels", were not apparently present) are recorded on 14 February, 10, 13, 18, 25 and 29 March, 3 and 13 April and 2 May 1967. Starting on 10 March, some of the entries mention amounts of a currency that appears to be "*francs ancien*" next to De Troye's name, presumably meaning that these sums were given to De Troye by De Kemoularia on these dates. Two of the entries note "*H^r Lecluse 20 Rue Lecluse 17^e T=LAB 4926*". The first part of this entry appears to be a Parisian address of what is now one of a number of a "*Centre Logement Jeunes Travailleurs*", a housing centre for young workers, students and trainees which, according to its website, was established in 1966, the year before De Kemoularia's meeting with De Troye. The significance of "*T=LAB 4926*" is unclear. I note that United Nations records contain numerous references to Belgian mercenaries named "De Troyer" and "Lamouline" who were present in Katanga at the relevant time.

67. In De Kemoularia's records, there is what appears to be a facsimile copy or a draft of a letter dated 31 July 1969 addressed to Maurice Grimaud, Chief (*Préfet*) of Police, 7 Boulevard du Palais, Paris (1^er^). The first paragraph of the letter states: "You will most probably remember the story I told you about the interviews I had with a former Congo mercenary who was referred to me by one of my friends, Robert Ahier, a journalist at United Press International, and who claimed to know the truth about the circumstances of Dag Hammarskjöld's death. It was natural for a former colleague of the late Secretary-General of the United Nations to try to seize every opportunity to learn the truth. I did not miss this one." ["*Vous vous souviendrez certainement de l'histoire que je vous avais racontée concernant les entretiens que j'avais eus avec un ancien 'affreux' du Congo, qui m'avait été adressé par un de mes amis journaliste à l'Agence* United Press International, Robert Ahier, *et qui prétendait connaître la vérité sur les circonstances de la mort de* Dag Hammarskjöld. *Il était naturel qu'un ancien collaborateur du défunt Secrétaire Général des Nations Unies cherche à saisir toute occasion de connaître la vérité. Je n'y ai pas manqué.*"]

68. The remainder of the letter describes De Kemoularia's interactions with De Troye, including the fact that he advanced him "modest" financial aid (with prudence, it was added), and that De Kemoularia had been advised by a young man who came to visit him that De Troye was really "Claude Bastard". It is unclear why De Kemoularia stated in his letter to the police that he was not aware of De Troye's (Bastard's) address, given that he had recorded a Parisian address next to the latter's name in agenda entries from 1967. It is unclear whether this letter dated 31 July 1969 was definitely sent to the Chief of Police; however, there is nothing to indicate that it was not. Furthermore, the first paragraph of the letter makes reference to the fact that De Kemoularia had already advised the Chief of Police of the matter. Accordingly, this letter suggests that De Kemoularia had in fact gone to the authorities regarding the Beukels story much earlier than 1993.

69. Moreover, in the agendas for 1974, there is a reference on 15 November to "Belfrage/Hadelstan". This entry is referred to in De Kemoularia's correspondence of 9 February 1993 to Rösiö, by which De Kemoularia transmitted notes of his 1967 meeting with Beukels and others. In the letter to Rösiö, he adds as a post scriptum "The inclosed [sic] document of seventy-one pages was typed by George Ivan Smith after recording my statements, in my home, in Neuilly-sur-Seine. I reported the all [sic] story to Ambassador Belfrage and Mr. Hadelstan, at the time head of Political Affairs at the Ministry of Foreign Affairs of Sweden on November 15th, 1974".

Accordingly, this letter suggests that De Kemoularia had in fact also reported the Beukels story to Swedish authorities much earlier than 1993.

70. Neither the Hammarskjöld Commission nor the Independent Panel was able to establish whether De Kemoularia's original notes of the meetings with Beukels and others, or George Ivan Smith's taped recordings of De Kemoularia's dictated notes, are still available. Although it is recalled that Smith's notes were comprehensive at approximately 70 pages, in his letter of 8 December 1981 transmitting the notes to De Kemoularia for review, Smith mentions that the notes are a summary of a much longer discussion. At the same time, given that the notes were made in 1981 and De Kemoularia could at any time since then (including in his memoirs in 2007) have rectified any misunderstanding or gap in information, it is significant that he chose not to do so.

71. The Independent Panel sought to verify aspects of the "Beukels" claims. It requested Belgium and France to search for information on "Beukels", but neither Member State identified any information. It is noted that, in its response of 2 June 2015, France advised that it did not find any information about "a conversation between de Kemoularia and a Belgian pilot named 'Beukels' concerning the death of Mr. Dag Hammarskjöld" in a search of the archives of the Ministry of Foreign Affairs and International Development. It did not appear that intelligence, security and defence archives had been reviewed.

72. The much earlier reporting of the matter by De Kemoularia to the police in July 1969 and to senior officials of the Ministry of Foreign Affairs of Sweden on 15 November 1974 reinforces the reliability of the information. Furthermore, De Kemoularia does not appear to have had self-interest as a motivation. However, the limited additional information revealed from De Kemoularia's 1967 agenda entries and other documents on the matter is insufficient to validate the credibility or to certify the truth of the version of events recounted to De Kemoularia. To summarize on this point, I do not doubt that De Kemoularia heard the version of events that he said he did from persons who identified themselves as De Troye and Beukels, or that he conveyed it in good faith. The new information obtained supports these assessments. However, the new information does not make the truth of the purported version of events any more or less likely. This remains an area for further inquiry. Given that De Kemoularia's original notes and the original tape recording of Beukels both remain to be located, the want of identifying information on Beukels, the lack of any other evidence that Ndola Air Traffic Control Tower officials were complicit in the purported attack and its immediate cover-up, and the absence of independent corroboration that would lend weight to certain critical aspects of Beukels's alleged version of the incident, I would assess the probative value of the new information available since 2015 as being weak. However, this assessment would need reconsideration if aspects of the account were shown to be true or false, as would be the case if, for example, it could be conclusively established that there were or were not two operable Fouga jets in Katanga at that time (discussed further below).

4. Possible type of aircraft and operating airfield

73. The Independent Panel assigned weak probative value to the information regarding the proposition that a Fouga Magister jet, a De Havilland Dove or a Dornier DO-27 or DO-28 aircraft was used in an aerial attack on SE-BDY. It noted that this assessment of aircraft capability was based on operational and other limitations of using such aircraft to conduct an attack. As noted above, in the course of my work, I received expert opinions on this topic from Colonel (retired) Da Costa, former Chief of Air Staff of the Senegalese Air Force, and Sven Hammarberg, accident investigator. Both of these experts are also former fighter pilots, and Da Costa has personal

experience of flying a Fouga Magister jet. I also received new information relevant to this topic from Belgium, Germany, the United States and the United Nations.

(a) Aircraft: Fouga Magister

74. The Independent Panel assessed information regarding the allegation that three Fouga Magister jets were delivered to Katangan forces prior to the crash of SE-BDY as being of moderate probative value. It noted that it did not have any information to support an aspect of this assertion, made by David Doyle, ex-CIA officer, that the aircraft were supplied by "the French", CIA or any other identified source. Doyle was confirmed by the United States in 2016 as having worked for CIA in the Congo region in the early 1960s. Based on information provided to the United Nations in 2016 and to me in 2017, it can now be clarified that there did appear to be three Fouga (misspelled in some information as "Fuga" or "Fugha") Magister jets delivered to Katanga in February 1961. A summary of this information follows.

75. Reports of Fouga Magister aircraft having been shipped from France to Katanga had publicly surfaced in early 1961. The United States had previously advised the Independent Panel in its letter of 9 June 2015 that "CIA has conducted a search and has found no documents regarding the presence of Fouga Magister aircraft in the Katanga region around the time in question". However, in 2017 it provided information to me which included a State Department memorandum of 13 February 1961, in which the State Department requested the President of "Seven Seas Airlines", an American company, not to proceed with the shipment of nine jets from France to Katanga, and that the Government of the United States would "take a most serious view if Seven Seas Airlines proceeded to deliver the jet trainers". Despite this, it appears that Seven Seas Airlines made the first shipment of three Fouga Magisters (of a total of nine in the order) on or around 16 February 1961. The following day, a 17 February 1961 press release from the Permanent Mission of France to the United Nations stated that "French authorities have learned that three 'Fouga Magister' training aircraft had reportedly been dispatched by air to Katanga" and stated that the Government of France had commenced an investigation.

76. According to information received from the United States, on or around 21 February 1961, the Minister for Foreign Affairs of Ghana sent a note to the United States Embassy in Ghana regarding the Fouga jets. The note appears to have confirmed that three of the aircraft were delivered from France to Katanga on 16 February 1961 by a United States civil aircraft belonging to Seven Seas Airlines, crewed by American citizens, as part of an order placed by Belgium. It appears that after this the Government of France gave assurances that the remaining six Fouga aircraft from the order of nine from the company "Potez" would remain in France and would not be shipped to Katanga. Having examined United Nations records, I have found no indication that the remaining six Fouga jets or any others arrived in Katanga in 1961. There is voluminous further correspondence between Member States, the United Nations and Seven Seas Airlines, following the events above. However, it does not serve the aims of the present report to go further into the matter here; the relevant fact for this inquiry has been to establish the number of Fouga jets delivered to Katanga on or about 16 February 1961. The answer to this appears to be that three were delivered in February 1961, and I would assess as strong the probative value of this new information. No information I saw suggested the involvement of CIA in the delivery of the Fouga jets as claimed by Doyle.

77. The crucial connected question however remains: how many of these jets were operable on the night of 17 to 18 September 1961? Hammarberg, citing a book by Leif Hellström available only in Swedish, states that there was only one Fouga in service on that date (as well as a Caribbean Tri-Pacer and a Dove). He states that this is because one Fouga (identified as #91), piloted by "Dagonnier", had crashed in

training near Elisabethville on 23 June 1961, and another (#92) had been grounded at Luano Elisabethville airport owing to mechanical problems in July 1961, after which it was seized on 13 September 1961 by the United Nations as part of Operation Morthor, with the cockpit instrumentation subsequently destroyed by United Nations forces.

78. On the question of the capability of the armed forces of the provincial government of Katanga, including its air forces, Belgium indicated to me in June 2017 that the defence archives did not hold information on this topic. However, it provided a document entitled "Avions Katangais", which it stated was freely available on the Internet. This document states that it was prepared by "Luc Badoux with the assistance of Jean-Pierre Sonck and Leif Hellström" (which appears likely to be a misspelling of "Leif Hellström", the source quoted by Hammarberg). The document does not indicate a date of preparation or a purpose for which it was prepared and is hosted at www.likasi.be, which appears to be a privately administered site for former inhabitants of Likasi (formerly Jadotville), Katanga. The document lists at least 14 aircraft as being in working order and available to Air Katanga or the Katangan Air Force on 17 September 1961, including Douglas DC-3s, De Havilland Doves, Sikorsky helicopters, Pipers, a Beechcraft and a single Fouga. On 21 June 2017, I requested Belgium to share further information on the document "Avions Katangais", including the sources of information on which the researchers relied. I received a reply from Belgium while finalizing the present report on 18 July 2017, listing as sources two Internet sites and the names of a number of books that the Ministry of Defence had utilized in its research. I have not had the opportunity to verify these sources.

79. If what is stated in the research of Hellström and others is true, then only one Fouga (#93) would have been operable on the night of 17 to 18 September 1961. Certain United Nations documents also refer to the presence of only a single Fouga being available at that time. However, other information from Member States and the United Nations militates against this conclusion, as it suggests that more than one Fouga was operational at or immediately before the relevant date. For example, in two communications dated 15 September 1961 from Gullion to the United States Secretary of State, there are references to more than one jet. In one of these cables, Gullion wrote: "In view of intermittent strafing Elisabethville airport by Katangese magister jets Pretoria Army-Navy Attaché craft should hold Ndolo and contact Matlick, US Air Attache, at Elisabethville SSB [using single-sideband radio] to coordinate operations". Another communication of the same date says that "all jets flying definitely [Fouga] Magisters". A communication of 16 September 1961 between the same parties speaks of "two [Fouga] Magisters believed operable" and "obvious concern" that that jet may undertake a night sortie (flight mission). A communication dated 18 September 1961 from New York to the United States Secretary of State notes that "[United Nations staff] Ralphe Bunche said, if story of two Fuga jets flown by single Belgian had been put in novel, world would not believe it. These jets he said have crippled UN ability to fly by day, lack of proper equipment preventing them from flying effectively at night. Bunche ventured guess [Secretary-General's] flight wouldn't have been made at night were it not for lone Belgian pilot with his twin fighters". A communication apparently transmitted on 20 September 1961 from the United States Department of State (Bowles) to the United States Embassy in Stockholm states that "one or more Katanga jet trainers have been able bomb and strafe UN installations repeatedly without opposition, including Kamina and Elizabethville airports. Katanga jets reportedly destroyed some 7 UN planes and have made it impractical to reinforce Katanga UN forces by air". Later, a communication dated 23 September 1961 from Gullion to the United States Secretary of State conveys information from the United States Air Attaché (Matlick) that "Katangese Air Force Dove at Ndola this morning picking up Belgian, Rhodesian and

South Africa mercenaries returning Kolwezi today ... Also rumor two pilots flying Fuga". It also states: "have informed UNOC for build-up of jet capability (we still believe two [Fouga] jets operable at Kolwezi)". The United Nations report to the Secretary-General from the Officer-in-Charge of ONUC dated 8 October 1962 at first indicates that only one Fouga was operational during the September 1961 hostilities. However, the same document, in discussing Van Risseghem, later states that he "commanded one of the Fougas during the September hostilities (Delin commanded the other one)".

80. The number of attacks committed on United Nations forces also suggests that it would have been difficult for a single Fouga to commit them. United Nations archives indicate that Fouga attacks appear to have occurred multiple times daily, including on 15, 16, 17 and 18 September, and included rocket, machine gun and bomb attacks, including a bombing attack that killed United Nations personnel and destroyed a number of United Nations aircraft during those dates, including a UNC 199, a DC-3 and a DC-4. In addition, United Nations air intelligence logs from 1962 (file No. 805) indicate that "[Glaspole] is said to have been piloting Fougas during Dec 61 operations and is responsible for crashing one". Another relevant document located in United Nations archives is dated 4 March 1963 and was apparently seized from Katangan forces. It is authored by J. C. Puren (apparently the South African mercenary Jerry Puren), "Major Aviation Katangaise" to the "President of the State of Katanga", and states in French that there was still one Fouga at Kisenge at that time (i.e. in 1963), apparently in working condition. If either of the 1962 or 1963 pieces of United Nations intelligence is correct, they would strengthen the case that more than one Fouga was operable in September 1961.

81. Accordingly, there is some evidence to suggest that there was more than one Fouga in operation on the night of 17 to 18 September 1961, which I assess as having moderate probative value. Within the time limitations of my role, I have not been able to finalize this inquiry; however, I would expect that within United Nations archives and with small additional research it would be possible to verify whether Hellström's research is correct and whether Fouga #91 crashed on 23 June 1961, and Fouga #92 was seized by ONUC on 13 September 1961.

82. I received other relevant information regarding the operating capacity of the Fouga. This is relevant because the perceived limitations of operating a Fouga at night or from an unpaved airstrip have previously been cited as having reduced the likelihood of it having been used in an attack. Examples of such new information include, as noted above, a communication of 15 September 1961 from Gullion that refers to concerns regarding the Fouga flying night missions. Another communication dated 18 September 1961 from New York to the United States Secretary of State says that the Fouga "jet attacked US Dakota flying wounded from Eville to Leo. Plane damaged but reached Leo safely". This suggests that not only was the Fouga capable of air-to-air attack but that it also attacked United States aircraft in Katanga.

83. In terms of operating airfields, it is observed that Delin stated before the Rhodesian Commission of Inquiry that there were quite a number of places from which the Fouga could take off and that apparently on at least one occasion he "took it away from Kolwezi and landed on a dirt track and to take it away you would put water and roll the runway to take it away". The probability that there were more airfields available in and around Ndola at which Fouga and other aircraft could have taken off and landed than had been considered by the early inquiries is considered further below.

84. As noted, I assess that three Fouga jets were delivered in February 1961, and I would assess as strong the probative value of this new information. Regarding

whether more than one was operable, I would consider the information received to be of moderate probative value.

(b) Aircraft: Dornier

85. The Independent Panel analysed information received from an academic and researcher, Torben Gülstorff, about the possibility that Dornier DO-27 and/or DO-28 aircraft were in use in September 1961 by Katangan forces in an offensive capacity. The Panel also noted Rösiö's observation in his report that Dornier aircraft had been used against the United Nations in night bombing missions.

86. In 2017, I received further information from Mr. Gülstorff, Belgium, Germany, the United States and the United Nations regarding the presence of Dornier aircraft in Katanga in September 1961. The information from the United States indicated that at least one Dornier aircraft had been procured by Katanga and present in Kolwezi before the end of September 1961. This included a cable on 26 July 1961 stating that the "first Dornier was expected [in] Elisabethville this week" and multiple reports in September of the Dornier aircraft being present. This was consistent with a United Nations aide-memoire of 7 July 1961 indicating that it had received reports of German Dornier aircraft with military equipment having been procured by Katanga. The aide-memoire was handed over to the "German Observer", who advised that the matter would be investigated.

87. The information received from Mr. Gülstorff and Germany in 2017 included a letter from the Foreign Office of West Germany of 5 October 1961 stating that the "first plane of the order" had been flown on 21 August 1961 by a German pilot together with the Belgian importer to Elisabethville. A later document from the Federal Ministry of Economy of 24 November 1961 appeared to confirm that the first Dornier DO-28 took off from Munich-Riem international airport on 21 August and flew to Katanga through Italy, piloted by a Mr. Schäfer, Dornier's company pilot. The second to fifth DO-28 were said not to have taken off until 8 October 1961 from the same airport, piloted by Belgian pilots. Finally, a document from "ZFST", Munich, dated 21 December 1961 provided further information, including the registration number of "Ka-3016" and that the receipt indicated that this aircraft was sold to a John Cassart in Katanga. Other pieces of information were received, which conveyed the same information as that quoted.

88. The information from Belgium on Van Risseghem referred to above also refers to Dornier aircraft, most likely as Belgium had been implicated in their procurement as a result of the nationality of the purchaser, Cassart. The document is partially redacted but appears to be dated September 1961. It states that "before the start of the UN operations" (assumed to be a reference to Operation Rumpunch of August 1961 or Operation Morthor of September 1961, both of which were carried out before the crash of SE-BDY), a Colonel Cassart had left on board a Dornier plane flown by a German pilot and used exclusively for transport, which had been routed urgently to Kolwezi through Brazzaville to reinforce the Katangan Air Force. On the same topic, the information from Belgium stated that it was probable but not certain that a second Dornier (of four ordered) had left directly by air from Germany to Katanga.

89. A United Nations military information report of 30 October 1961 states that a Dornier DO-27 or DO-28 took off from Kaniama and appeared to be attempting an air-to-air intercept of a United Nations DC-4 when the DC-4 was gathering information on a Dove aircraft that it had seen bombing a village near Kaniama. The United Nations DC-4 pilot evaded the Dornier and later circled back to observe both the Dornier and Dove aircraft parked at Kaniama airfield. A United Nations press release of December 1961 shows that in that month a Katangan Air Force Dornier was

using Ndola airport in Northern Rhodesia for bombing raids against the United Nations at Elisabethville airport.

90. Hammarberg, citing a book in Swedish by Leif Hellström, states that there did not appear to be Dornier aircraft equipped with bomb racks available to the Katangan Air Force before 28 September 1961. However, this information conflicts with other information discussed above, which is consistent across multiple sources.

91. The information received in 2017 reinforces but does not significantly add to the information which was made available to the Independent Panel in 2015 on this topic, namely, that Dornier DO-28 aircraft were supplied on a commercial basis to Katanga from West Germany in 1961, that at least one of the aircraft was present before the night of 17 to 18 September 1961 and that the aircraft may have been modified for aerial attacks and bombings. According to United Nations information, whatever Dornier aircraft to which the Katangan Air Force had access in 1961 was carrying out operations which included bombing operations during the day and at night, reported operations in locations which were approximately 1,000 km from each other (Kaniama and Ndola), as well as at least one attempted air-to-air intercept. Although some of these operations were observed after the crash of SE-BDY, they are relevant to the capacity of the Dornier aircraft to conduct such operations. At the same time, the information available does not of itself support a proposition that a Dornier aircraft was used to carry out an attack on SE-BDY, for which reason my assessment of the probative value of this information is weak. However, I address this matter further in my conclusions.

(c) Airfields

92. As already noted, I received information from United Nations archives indicating that there may have been more airfields existing in Katanga at the relevant time than had originally been understood. I also received other information from the United States and the United Nations regarding the fact that Katangan forces were apparently not limited to using airfields in Katanga. With the very helpful assistance of the Geospatial Information Section, maps have been prepared and annexed to the present report to give a visual representation of this information.

93. Regarding the airports in existence in Katanga, I note that the primary source of information is a United Nations military information document of May 1962 entitled "Airfields in Katanga Province", which lists over 50 airports and airfields in Katanga at that date. For the purposes of the aircraft identified as being in Katanga in September 1961 (De Havilland Dove, Dornier DO-28 and Fouga Magister) and based on the information from Da Costa and Hammarberg, I have not considered relevant those airfields listed only as "emergency" landing strips or those under 750 m. Both of these experts also advised me that the Fouga would need a closed surface runway (asphalt or concrete), as a grass or gravel runway would present a risk of foreign object damage to a jet. At the same time, I do observe that evidence exists, including from Delin's testimony, that the Fouga may have taken off or landed on a non-closed surface at least once. I also note that it would seem from available records that no evidence exists of the airfields in Katanga having been specifically equipped for night take-off or landing. However, ad hoc solutions, such as using kerosene and sand as flares, appear in the records of the early inquiries.

94. Other new information regarding airfields suggests that Katangan forces were using airfields in Northern Rhodesia. A communication of 23 September 1961 from the United States Consul, William C. Canup, to the United States Secretary of State refers to allegations that Northern Rhodesia had allowed Katangan aircraft to use the airfield at Ndola. A United Nations press release of December 1961 also states that a

Katangan Dornier was using Ndola airport in Northern Rhodesia for bombing raids against the United Nations at Elisabethville airport, over 250 km away.

95. I assess the new information that Katangan forces may have had access to the use of more airfields in Katanga and Northern Rhodesia than previously established as being of moderate probative value.

(d) Katangan Air Force pilots

96. As further examined below, the early inquiries had relied on an assumption based on the evidence of Delin that there was only one Katangan pilot who could have flown a plane in an attack against SE-BDY. However, new information suggests there may have been many more. United Nations documents, including a list of Katangan Air Force personnel dated 17 January 1961, shows that it had at least 32 personnel (14 pilots plus radio operators and technicians). Although many of these were repatriated in 1961, according to a United Nations air intelligence log 11 mercenary pilots were present in Kolwezi (the main airfield under Katangan control) in April 1962. Although this was approximately half a year after the crash, in the light of other information, it may be that some or all of these pilots were in Katanga in September 1961. Other mercenaries present in Katanga from late 1961 to early 1962 identified in United Nations documents as having the ability to act as pilots include Delin, Gelen, Glaspole, Hirsch, Magain, Puren, Van Risseghem, Verloo and Wicksteed.

97. On the question of foreign military, paramilitary or irregular (including mercenary) personnel serving in Katanga, Belgium also provided information from its security archives on Charles Huyghe and Jerry Puren. Regarding Huyghe, the information indicated that he was repatriated by the United Nations from Katanga on 3 August 1961. Regarding Puren (with alternate spellings given of "Purren" and "Pureh" and the alias "Du Plessis"), the partially redacted information indicated that he was still in Katanga, although this information was undated. It is not specifically alleged in this new information that either of these individuals may have acted as a pilot.

98. Based on the current state of my inquiries, in the light of the above, it is not possible for me to conclude exactly how many or which mercenary pilots may have been present in Katanga at the relevant time. However, it appears established that there were more than had been considered by the early inquiries. I would assess the new information that there was more than one pilot in the armed forces of Katanga on the night of 17 to 18 September 1961 as being of moderate probative value. However, this information requires further verification.

(e) Ethiopian jets

99. I also received information regarding the deployment of Ethiopian jets to the Congo in support of ONUC in 1961. According to information from Hans Kristian Simensen, the United States and the United Nations, the aircraft were deployed to the Congo later than originally anticipated. An argument is made that this left the unescorted flight of SE-BDY exposed to attack and that there may have been intentional collusion to delay the arrival of the Ethiopian jets for this purpose. It appears to be possible that the aircraft arrived later than initially hoped by ONUC command. However, I have not seen information which would lead me to believe that going into this matter in depth in the present report would shed further light on the matter. The deployment of Ethiopian jets was a complicated matter in terms of both political agreement and logistics. Although overflight clearances over British territories in East Africa may have been withheld, there were still, as at 20 September 1961, unresolved logistical issues regarding refuelling, maintenance, the airfields to be used for operations, and other matters. Even if it were proved that the arrival of

the Ethiopian jets was intentionally delayed, it would still be necessary to prove a number of additional links before it could be accepted that this was a part of a conspiracy to leave SE-BDY open to attack, or that the delay had such an effect in the light of the other circumstances. I would therefore assess the probative value of information suggesting that the arrival of the Ethiopian jets in support of ONUC was intentionally delayed so as to adversely affect security arrangements for SE-BDY as weak.

B. Sabotage: Operation Celeste/South African Institute for Maritime Research

100. Based on research conducted by Ms. Williams, a hypothesis emerged that a bomb planted on SE-BDY had been activated shortly before it was due to land, causing the plane to crash, the objective of which was purportedly to "remove" Hammarskjöld. The plot was alleged to have been named "Operation Celeste" and carried out by a shadowy organization named the "South African Institute for Maritime Research". The hypothesis came to public attention in the late 1990s when, during the work of the South African Truth and Reconciliation Commission, a file was found containing approximately a dozen documents relating to the purported Operation Celeste.

101. Ms. Williams and the Hammarskjöld Commission attempted unsuccessfully to secure access to the originals of the Operation Celeste documents in order to obtain a technical assessment of their authenticity. In order to consider the hypothesis, the Independent Panel wrote to South Africa on 23 June 2015 to request it to search for and share any records or other materials relating to the documents. The Panel had not heard back from South Africa by the time it completed its work, on which basis it could not but conclude that the claims relating to Operation Celeste lacked probative value. This finding was based primarily on the fact that it was not possible to establish the authenticity of the documents, that there was no certainty regarding their chain of possession and that it had not been confirmed whether the South African Institute for Maritime Research existed in September 1961.

102. The United Nations followed up the matter with South Africa in 2016. On 1 July 2016, South Africa wrote to the United Nations, noting "a revelation made during the Republic of South Africa's Truth and Reconciliation Commission (TRC) hearings in the 1990s pointing to the possible involvement of an 'SA Institute for Maritime Research (SAIMR)' in the death of Mr. Hammarskjöld". South Africa stated that it fully supported the investigation and that its Department of Justice and Constitutional Development had directed that a search be undertaken for any relevant documents, records or information, following which the request for such information would be considered in line with the relevant constitutional and legal requirements of South Africa. However, the Secretary-General had not heard from South Africa again by the time of his August 2016 report to the General Assembly.

103. The United Nations wrote to South Africa again in February and April 2017 to follow up on the request for cooperation. Once appointed as Eminent Person, I also wrote to South Africa to request its assistance in obtaining access to the purported documents of the South African Institute for Maritime Research (and subsequently, to request further searches for information, as discussed in section III). To better ascertain the possible scope of material, I discussed the matter with Christelle Terreblanche, a former researcher within the Truth and Reconciliation Commission of South Africa who had seen the documents in 1998. I also discussed the file in which the Operation Celeste documents were found with Advocate George Bizos, who was involved in the relevant hearings. I was advised by the researcher that, given the long

passage of time, it could not be recalled with certainty that the documents seen were originals; however, it was her recollection that at least some of the Institute's letterheads on the documents may have been in colour, that the documents appeared to be old, judging from the qualities of the paper, and that there seemed to be variation between the appearances of various documents within the dossier. At around the same time, I made arrangements with a forensic expert to prepare to conduct tests on the documentation.

104. Accordingly, I met with the Ambassador of South Africa to the United Nations in April 2017, noting by a letter of the following day that:

> As discussed during our meeting on 26 April 2017, it is important in fulfilling my mandate to determine whether the purported SAIMR documents are authentic in order to allow the hypothesis relating to "Operation Celeste" to be either supported or dispelled, either of which would be a significant contribution to the search for the truth and to the historical record. In doing so, it will be necessary for me to closely examine these documents (original or as otherwise initially discovered) in view of establishing their chain of custody and provenance, authenticity, authorship, contents and what they purport to be. The modalities for doing so, including forensically, would be the subject of discussions and agreement with relevant South African authorities during my intended visit.

105. Between April and July 2017, I followed up this matter; however, at the time of writing I had not received a response from South Africa regarding the documents of the South African Institute for Maritime Research or any other information. On this basis, I am not in a position to reconsider the assessment of this information for probative value, the determination of which is crucial to verifying this alleged act of sabotage as a hypothesis of the cause of the crash of SE-BDY.

C. Human factors

Alcohol consumption by pilots

106. In 2015, Dr. Ake Hassler, a former flight surgeon attached to the Swedish Air Force, provided information to the Independent Panel corresponding to his claims that the "Ndola crash in September 1961 was an ordinary pilot error accident". Dr. Hassler was tasked by the Department of Defence of Sweden in "the 1960s" to conduct investigations of all "Swedish flight accidents", in which he included the crash of SE-BDY. He provided documentation to the Panel in support of his contention that the fatigue of the pilots and crew of SE-BDY as a result of insufficient rest was a primary factor in the crash. Although the Panel assessed as weak the specific information provided by Dr. Hassler insofar as it helped to shed light on whether fatigue was a contributing factor to the crash of SE-BDY, it was connected to other information that the Panel assessed as having moderate probative value. These matters are discussed further in section VI below.

107. Subsequent to the work of the Panel, in 2016 and 2017 Dr. Hassler provided further information alleging that other human factors, namely, the consumption of alcohol resulting in impairment of the pilots, was a causative factor in the crash. His contentions included that a culture of excessive drinking and cover-up in Swedish aviation, including in the Air Force, during and prior to 1961 meant that the crew of SE-BDY could have been impaired by alcohol and not have been adequately tested for the presence thereof in their bodies after the crash.

108. One of Dr. Hassler's contentions is that there was no legally prescribed limit for blood alcohol content in pilots in Sweden in 1961 and that, therefore, there was no

requirement to test the Swedish crew of SE-BDY for their blood alcohol content. By correspondence with the Permanent Mission of Sweden to the United Nations in May and June, it was confirmed that a specific prescription on blood alcohol content for pilots did not appear in the relevant Swedish laws that were in effect in 1961. I have no information that in September 1961 Swedish civil aviation authorities had a regulatory or prescribed alcohol limit for pilots or other aircrew.

109. There is agreement among aviation authorities that even a small amount of (ethyl) alcohol consumption by aircrew impairs cognitive and visual functions and influences individual human judgment, including attention, information processing, reaction, performance, and decision-making, and is a cause or contributory cause of fatal aircraft accidents. Alcohol, which the International Civil Aviation Organization defines as a psychoactive substance, is an acknowledged major risk in aviation safety, hence the prescription of alcohol limits for crew by national aviation authorities.

110. In May 2017, I requested the opinions of the Director of the Centre for Forensic and Legal Medicine at the University of Dundee, Stewart Fleming, and the Chief Forensic Pathologist of Ontario and Professor of Laboratory Medicine and Pathobiology at the University of Toronto, Michael S. Pollanen, both of whom had previously assisted the Independent Panel in examining medico-legal evidence related to the crash. Mr. Fleming prepared a report on the toxicology analyses conducted by Drs. Ross, Smith and Stevens during the investigation of the crash of SE-BDY on the night of 17 to 18 September 1961 based on an examination of papers held in the Ross archive at the University of Dundee, which contain the primary records that were used to compile the report of the medical investigation of the crash. According to these records which Mr. Fleming re-examined, no drugs or alcohol were detected in the samples taken. While the 1961 toxicological analyses considered the possibility of crew performance being impaired by drugs and/or alcohol, based on results of the tests that were conducted, the conclusion at that time was that neither drugs nor alcohol had played a role in the crash.

111. In his report to me, Mr. Fleming noted that while the 1961 medical investigations were generally of excellent quality, the toxicological analyses fell below the standard that would be considered acceptable today. These deficiencies included the fact that the toxicology investigations (including alcohol levels) were conducted successfully only on the pilot (Hallonquist) and the reserve pilot (Ahreus). The co-pilot (Litton) had samples submitted but the tests failed because of tissue putrefaction, and the flight engineer (Wilhelmsson) and the radio operater (Rosen) were not tested for alcohol or drugs. Furthermore, although blood samples were taken from most of the victims for analysis of carboxyhaemoglobin levels, these samples were not used for blood alcohol content determination. Instead of blood samples, liver and brain tissue were tested for alcohol. This type of testing would not be considered optimal by the standards of modern practice, in part because the liver tissue contains an enzyme which metabolizes alcohol and can continue to function for a time after death, potentially affecting the accuracy of the test data. Mr. Fleming also noted that there was a two- or three-day delay between obtaining the samples and their delivery to the testing laboratory, with no details available of how the samples were stored in that period. Mr. Fleming also observed that the prevailing international standards in 1961, unlike the Swedish standards, would have required an estimation of blood alcohol content, which was not present in this case.

112. Notwithstanding his observations about the suboptimal nature of the toxicology tests, Mr Fleming's conclusion was that he found no evidence to support the hypothesis that consumption of drugs or alcohol by the pilots contributed to the crash.

113. Mr. Pollanen's report to me also included his opinion that there was no medical or scientific basis to conclude that alcohol was a causative factor in the crash.

Mr. Pollanen noted that he was not able to independently assess the chain of custody of the samples but that this did not compel a negative inference, as this was commonly the case in such reports. However, he stated his belief that, based on the quality of the autopsies and the high level of awareness of the pathologists (as indicated in their reports), the analytical results, which showed a finding of no (ethyl) alcohol, were valid.

114. When all the above is closely examined, there is simply no evidence that could be safely relied upon and sufficient to authenticate that purported alcohol (or drug) consumption by aircrew played any role or had a causal influence in the tragic event. Considering the initial medical reports (including their toxicological findings) and the independent expert opinions of Messrs. Fleming and Pollanen, I would assess the probative value of the new information alleging impairment of the pilots as being nil.

V. Other new information

A. Acts of local officials and authorities

115. New information received from the United Kingdom indicates the presence of a member of its Secret Intelligence Services (MI6) in Katanga at the relevant time. In the documents I received, at least three communications of 17 September 1961 from Lord Alport to the Commonwealth Relations Office refer to Neil Ritchie, First Secretary at the British High Commission in Salisbury, who was understood, including by the Independent Panel, to be an MI6 officer.

116. The early inquiries did not mention the presence of foreign intelligence agencies. Numerous references to the role of Ritchie were first made by Ms. Williams in 2011, which were considered by the Hammarskjöld Commission and the Independent Panel. The source of this information was an archive of Lord Alport's papers at the University of Essex, which contained a document entitled "Secret Report by Neil Ritchie, Appendix A to Alport to Sandys, Despatch No. 8, 25 September 1961". The provision of the current information by the United Kingdom appears to be the first time that it has expressly acknowledged the presence of its MI6 officer, which, if so, is an encouraging development. Given that redactions appear in other United Kingdom documents which appear to be references to Ritchie, now that his presence has been confirmed, it may be opportune to review redactions of his name or references to him in other such text. I assess the new information that tends to establish the presence of foreign intelligence assets or personnel in and around Katanga in September 1961 as being of moderate probative value.

117. I also received new information appearing to indicate that the representatives of some Member States may have attempted to influence the early inquiries to find that pilot error was the cause of the crash. As one example which was brought to my attention in my current role, in a letter of 24 April 1962 from Alan Campbell, Counsellor of the Permanent Mission of the United Kingdom to the United Nations, addressed to Michael Wilford, of the Foreign Office, Campbell makes various references to the United Kingdom having been provided with the 1961 Commission's report in draft before its issuance — a fact of which he acknowledged there was "a certain delicacy about revealing" — and to the United Kingdom having negotiated changes to its text. The letter states, "I think the Secretariat have now produced a satisfactory revision of the draft". It mentions specific changes in the draft that the United Kingdom had sought from the Secretary of the 1961 Commission (in this example, regarding potentially material evidence relating to the high-ranking British officials Lords Lansdowne and Alport). From the final text available to us of the 1961

Commission's report, it appears that at least one of the revisions sought by the United Kingdom made its way into the text of the final report.

118. In the same letter from Campbell to Wilford, regarding the fact that one expert had given an opinion that "the crash could not have resulted from sabotage or being fired upon", Campbell noted that it was "regrettable" that the "Commission ha[d] decided to stick to their own draft" instead of altering its conclusions to agree with the suggestion of ruling out sabotage or external attack. Campbell also noted a possible solution to any suggestion that a cause other than pilot error was involved in the crash, being that "if by leaving open in the body of the report the possibility of sabotage or other malicious actions there is any disposition once the report is published to revive such accusations, we shall be able to point to [the expert's] report". I note that the opinion of the Counsellor of the United Kingdom Mission to the United Nations was conveyed in an official rather than personal correspondence. This and other material goes to show that an attempt was made to influence the 1961 Commission to rule out sabotage or other malicious action as a probable cause or causes of the air crash.

119. The 1961 Commission also had influence exerted directly on it by one of the three members of the Rhodesian Commission of Inquiry. In a letter of 19 February 1962 from Justice Lloyd-Jacob to the United Kingdom Secretary of State, Earl Home, Justice Lloyd-Jacob states, "I hope you are not too apprehensive of the possible conclusions of the United Nations Committee. The members of it will I think (and in private discussion with two of them I have so urged them) concentrate upon the preflight position in the Congo, and seek to explain how so important passenger come to be ferried about by so casual a set-up". It is in United Nations records of that time, released after the Independent Panel's report, that arrangements for both Lord Lansdowne's and the Secretary-General's flights would not be normal arrangements, but ones made at the "highest level". Justice Lloyd-Jacob advised Earl Home that "on the issue of causation of the crash I should expect them [i.e. the 1961 Commission] to concur in our findings". As the 1961 Commission's conclusions did not result in this outcome and it decided in parts of the draft report to stick to its own draft despite urging, I would assess as weak the value of the new information regarding Justice Lloyd-Jacob's letter in establishing that the attempted influence sought had an effect on the 1961 Commission's independence.

B. Search and rescue

120. Certain new information received from the United Kingdom indicates that the crash site was discovered before the officially reported time of 1510 hours local time on 18 September 1961. In a letter of 28 September 1961 from the Ambassador of the United Kingdom to the Congo, Derek Riches, to Earl Home, Riches states that "at about midnight the Secretary-General's aircraft passed over Ndola. The control tower then lost contact with it. Its wreckage was discovered at midday on the 18th of September after a large-scale search had been organised". By itself, this information might be explained as merely an imprecise recollection or retelling. However, evidence considered by the Independent Panel, including separate statements of Lord Alport and his private secretary, Brian Unwin, also suggested that the wreck was discovered at least some hours before 1510 hours local time. Riches's statement strengthens these conclusions. I assess this information as being of moderate probative value.

C. Intercepts of communications

1. Compromised cipher machine

121. A claim was made to the Independent Panel that NSA had covertly monitored the communications sent from the CX-52 cryptographic machine used by Hammarskjöld during his visit to the Congo by utilizing a "backdoor" in the encryption, and shared the intelligence with CIA, GCHQ and possibly other countries' intelligence services. This information was provided by Sixton Svensson, the brother-in-law of the deceased Boris Hagelin, the founder of Crypto AG, the Swiss company that produced the CX-52 cryptographic machine. Svensson also stated to the Hammarskjöld Commission that Hagelin's memoirs carried full details of these matters but that they were scheduled for publication no earlier than 2033, 50 years after Hagelin's death. The Independent Panel assessed this information as being of moderate probative value.

122. Since the conclusion of the work of the Independent Panel, Svensson has published a book on the topic, which is not available in English. However, I contacted Svensson seeking to understand whether there was new information available on this topic. He advised me that the book accords with the information that he had previously provided. After the Panel had concluded its work, but before its report was released, the BBC security correspondent published an article entitled "How NSA and GCHQ spied on the Cold War world". This article described the nature of the alleged relationship between Hagelin and an NSA representative, William F. Friedman. It did not directly assert that NSA had a "backdoor". The article's author claimed to have sought comments from NSA, which declined to provide comments, and from GCHQ, which allegedly responded that it "does not comment on its operational activities and neither confirms nor denies the accuracy of the specific inferences that have been drawn from the document you are discussing", while observing that "the documents ... should be read against a background in which the UK, the US and their allies faced the likelihood of open hostilities with the Soviet bloc".

123. Furthermore, according to the report of the United States Resident Consul in Lusaka (undated but transmitted from the United States Consulate in Salisbury to the Department of State on 27 September 1961), the British High Commissioner, Lord Alport, "peculiarly ... refused to return to the UN representatives coding machines and books which the Federal authorities had recovered from the wreck". Alport's behaviour suggests that he had a reason to seek to refuse to return United Nations property, including Hammarskjöld's CX-52, to the United Nations, although this was eventually done.

124. In my inquiries of 2017 I asked the United States for comments on the allegation that transmissions from Hammarskjöld's CX-52 cipher machine were intercepted by the United States and/or others. I received a response that the United States "ha[s] no comments on this item". On the basis of the new information, including Svensson's now-published work and the latest response from the Government of the United States, I find no basis to alter the Panel's conclusion that this information is of moderate probative value.

2. United States Dakota aircraft in Ndola

125. The Hammarskjöld Commission and the Independent Panel considered the possibility that United States aircraft on the tarmac at the airport in Ndola on the night of 17 September 1961 may have intercepted or heard communications related to the crash. This information is not exclusively "new", as aspects of it have been on the record since the earliest inquiries. However, the position of the United States has changed since 2015, in that it has now been able to provide confirmation of records

regarding the presence of these aircraft, making this "new information" in accordance with the definition above.

126. The Hammarskjöld Commission took evidence on this matter from Brian Unwin, a British diplomat who was present at Ndola as the private secretary to the British High Commissioner in Rhodesia, Lord Alport. Unwin stated that he recalled seeing two United States Air Force aircraft in Ndola on 17 September 1961, adding that he understood that the planes "had high-powered communication equipment and it did occur to us to wonder later, whether there had been any contact between one or other of the two United States planes with Hammarskjöld's aircraft, as they had, we understood, the capability to communicate with Hammarskjöld's plane". Unwin's recollections were not dissimilar to the statements in 1961 and 1962 of a Squadron Leader of the Royal Rhodesian Air Force, John Mussell, who, when asked to clarify his statement that "underhanded things [were] going on at [Ndola] airport", stated to the 1961 Commission that "there were American Dakotas on the airfield around about this time. They were sitting there with their engines running presumably with their radios transmitting various things, things like arrivals of VIPs, etc.". Mussell later agreed that "underhanded" may not have been the correct description for the matter, but did not vary his statement as to the presence of the "American Dakotas".

127. The Independent Panel asked the United States for information regarding the two United States Air Force aircraft and anything that they may have overheard or transmitted. No response was received by the Panel before it concluded its work. When the United Nations followed up on the matter in 2016, it was advised that "the United States Air Force has conducted a search and has not found any documents or information regarding the presence of any United States Air Force aircraft on the tarmac at Ndola airport in September of 1961".

128. In the light of the United States response in 2016, I reviewed the records of the early inquiries again. The records of the Rhodesian Board of Investigation contain statements of both Lieutenant Colonel Don Gaylor, United States Air Force Air Attaché in Pretoria, and Colonel Ben Matlick, United States Air Force Air Attaché. Gaylor's statement includes this: "On the evening of Sunday 17th September my DC3 aircraft 8866 was parked at Ndola airport". Matlick's statement includes the following: "At about 0915 local time on Monday 18th September I received radio instructions to fly [from Elisabethville] to Ndola and assume command of United States Air Force aircraft which were at Ndola or being despatched to there. These would be two DC3s [Dakotas], my own DC3 and two C54 air rescue aircraft being despatched from Kano and Wheelus". Accordingly, it seems to have already been established in 1961/62 that at least three United States Air Force Dakota aircraft were in Elisabethville or Ndola on 17 September and that all three were in Ndola by 18 September 1961. There may of course have been other aircraft as well.

129. In my inquiries of 2017, I asked the United States to review its records in an attempt to clarify the apparent discrepancy between its 2016 statement that the United States Air Force did not have records of any aircraft in Ndola on the night of 17 to 18 September 1961, and the statements of Matlick and Gaylor. I received a response and records in June 2017 indicating that the United States Department of State had identified records indicating that a United States Army and Navy Attachés' aircraft was in Ndola between 15 and 18 September 1961, two planes (a United States Air Attaché plane and a United States Pretoria Attaché plane) were in Elisabethville from 15 to 17 September before moving to Ndola on 18 September, and that there were therefore on 18 September 1961 at least three United States aircraft in the Ndola area. The United States response further clarified that the "US aircraft in Ndola in September of 1961 ... were there in connection with the ongoing crisis in the Congo during that period, and in connection with reports that the aircraft carrying Secretary-General Hammarskjöld had crashed".

130. In his report (undated but transmitted to the Department of State on 27 September 1961), the Resident Consul in Lusaka describes assisting the United States Air Attaché (Matlick) in transmitting communications from Ndola to Elisabethville, Leopoldville and Washington, D.C. by the "single sideband" radio on Matlick's plane. This shows that United States representatives had radio equipment of a high enough power to be able to communicate directly from Ndola to as far as Washington, D.C. This appears also to have been known by Rhodesian and United Kingdom authorities, as, in information sent from the British High Commissioner, Lord Alport, to Secretary of State Sandys of 25 September 1961, brought to my attention by the researcher Simensen, the following comment is made: "aeroplanes belonging to the United States Air Attachés in Leopoldville and Pretoria had been parked for some days on the apron at Ndola airport. Without divulging the fact to the Federal Authorities these planes had been in continuous contact with Leopoldville, Elisabethville, New York and Washington and from time to time with United Nations aircraft in the air. Their activities had brought them under suspicion of the Federal Security Authorities and at one point it looked as though the Federal Government would ask the Northern Rhodesian police to arrest the United States colonel in charge for contravening International Civil Aviation law". Furthermore, in describing the events of 17 and 18 September 1961, Alport states that "we thought it possible that this [Dakota] aircraft was in communication with the [SE-BDY] Leopoldville plane".

131. Gaylor's statement claimed that "there were no radio transmissions from this aircraft to any other station subsequent to 1200Z [1400 local time Ndola] until I participated in the search for DC6/SE-BDY on Monday 18th September". Gaylor's statement did not, however, cover the possibility that the two other Dakota aircraft mentioned in the preceding paragraphs may have sent a transmission or that any of three Dakota aircraft (including his) may have received, intercepted or acted as a relay station for other radio (presumably VHF) communications. Indeed, Matlick's statement of the events indicates that, at least on 18 September 1961, the Dakota aircraft were communicating "with the USAF Communications Detachment at Ndjili Airport". This was operated by United States Air Force personnel approximately a mile from the Leopoldville civil flight information centre and was on the other side of the Congo from where Matlick was at the time.

132. I also requested Hammarberg to comment on the likelihood that radar or radio surveillance may have been conducted in the relevant area surrounding Ndola on 17 and 18 September 1961. Hammarberg observed that there was information that a United States C-47 aircraft [Dakota] was at Ndola airbase at that time, which could have been used as a recording and/or relay station ("field command post") for any VHF transmissions in the area. He further noted his opinion that it was highly likely that the intelligence organizations of interested countries would have been collecting information through signal and communications intelligence (SIGINT/COMINT) in the Ndola area at the time in question.

133. I did not identify pertinent information which would confirm a total number of United States aircraft in Elisabethville and Ndola on 17 and 18 September 1961, but it would appear that there were at least three Dakota aircraft with powerful radio equipment there. The written record, including the observations from Lord Alport, Mussell and Unwin (made almost contemporaneously in respect of the two former and in recent years by the latter), as well as the recently disclosed information from the United Nations Resident Consul in Lusaka, in conjunction with the expert opinion of Hammarberg, strongly suggests that the United States had assets with the capacity to transmit, receive, relay and intercept communications by virtue of the established presence of United States aircraft, including Dakota aircraft, in Ndola and Elisabethville on the night of 17 to 18 September 1961. I assess this information as being of moderate probative value.

134. The fact that the United States may have had such assets present in the area should not be taken as evidence in itself that Ndola radio air traffic or SE-BDY cockpit communications were in fact received, relayed or intercepted by such aircraft or others. The current information remains that there is no evidence that SE-BDY transmitted or received any communication from the time it departed Leopoldville at 1751 hours local time on 17 September 1961 to 2202 hours local time, the time it first broke radio silence by HF radio by communicating to the Salisbury Flight Information Centre its estimated time of arrival to Ndola as being 0035 hours local time. However, any recording or transcripts of communications by or with SE-BDY, from or to air traffic controllers, or by or with any other radios in the sky or on the ground on that ill-fated night would be very crucial material.

3. Other intercepts of communications

135. In documents received from the United States, the United States Consul in Elisabethville reported by cable of 5 January 1961 to the Department of State that the British Consul in Elisabethville "read [him] the text of intercepted cable from British Brigadier Ward, Nigerian UN Commander at Albertville, reporting to [United Nations representative] Dayal on Ward's meeting with Baluba Leaders". The same cable refers to and provides information to the Department of State from an "intercepted cable to [United Nations representatives] Dayal and Ward from British officer second in command to Nigerian UN Commander at Bukavu".

136. In documents received from the United Kingdom, there are various references to the interception of United Nations communications. In a communication from Lord Alport to the Commonwealth Relations Office of 12 October 1961, reference is made to "evidence which Federal authorities have obtained through intercepts with regard to alleged infractions of ceasefire by United Nations". Lord Alport states that he has seen some of these intercepts and that he has been informed that "all United Nations signals are ... now being transmitted in code", which the Rhodesian and British authorities apparently were able to decode.

137. In correspondence of 13 October 1961 the Foreign Office transmitted a message to the Permanent Mission of the United Kingdom to the United Nations, as received from the Prime Minister of the Federation of Rhodesia and Nyasaland, Roland Welensky, noting in detail the military movements of United Nations forces obtained by means of "wireless intercepts" and "signals intercepts". Welensky further noted that "examples quoted are 100 per cent authentic. We have many more with the same degree of authenticity" and, tellingly, stated that "actual interceptions except number one should not be passed to United Nations authorities since we naturally do not wish to disclose precise extent of our knowledge". These intercepts included communications from United Nations Headquarters Katanga Command to air operations in Leopoldville. In a similar communication of the same date, from Salisbury to Leopoldville, it was stated that "the Government was prepared to release one example [from 24 September 1961] of the many intercepted messages". According to other communications, Welensky was also stating publicly that he was intercepting United Nations messages.

138. The preceding appears to establish that Rhodesian and United Kingdom authorities intercepted United Nations communications in the Congo in 1961 and may have shared the intelligence with the United States. I assess this information as being of moderate probative value.

139. Any interception of United Nations communications in the Congo and Ndola by third parties is relevant. More germane, however, is the possibility of the interception of communications on the travel arrangements for the Secretary-General's mission to Ndola and related activities. Should it surface that such communications were in fact

intercepted or otherwise accessed, it would have rendered futile the United Nations efforts to maintain the confidentiality of the journey (including the initiative of Captain Hallonquist to file a dummy flight plan with Luluabourg as the destination). Such intercepts of ONUC communications would also have meant that the flight was exposed to the possibility of ill-intended or hostile action while en route. Suffice it to state that inasmuch as earlier I had assessed to be of moderate probative value the possibility that certain Member States were able to intercept ONUC communications, I have not been made aware of any proven intercepts by a third party of the Secretary-General's communications while he was in Leopoldville from 15 to 17 September 1961, or those related to the fatal flight.

140. As analysed by the Hammarskjöld Commission, Tore Meijer was a Swedish flying instructor who was attached to the Imperial Ethiopian Air Force. On the night of 17 to 18 September 1961 he states that he heard an airport control tower speaker state in English, "He's approaching the airport. He's turning. He's levelling. Another plane is approaching from behind -- what is that?", before the transmission was interrupted. Meijer stated that the time that he heard this was around 2200Z, or around midnight at Ndola. He stated that he attempted to inform the Head of the Ethiopian Air Force, Americans he knew, and the chief engineer of Transair in the Congo, Bo Virving, without success. He later told the story to a journalist in 1994. In my work I made informal inquiries to attempt to ascertain whether Meijer may have records that are still available that may be relevant. I was not able to make contact with anyone who may have been able to assist. However, I flag the matter as something which should be followed up by any future inquiry.

D. Other

1. Dane/Dubois

141. Information was provided to me in June 2017 regarding a claim that a former mercenary operating under the names of John Dane/Paul Dubois had been involved in the sabotage of Hammarskjöld's plane in 1961. "John Dane" was interviewed by a journalist and writer named Tom Miller in 1975 and appears to have claimed during the course of their interactions that his "Katanganese name" was Paul Dubois, originally of British nationality, who had worked as a mercenary in places including Rhodesia and the Congo. Miller's article about Dubois had appeared in *Rolling Stone* magazine in 1976, and a segment on him was said to have been aired on the television show *60 Minutes* that year.

142. Miller was helpful in sending materials to me but noted that he had not personally had contact with Dubois in approximately 40 years. According to the notes I received of Miller's meeting with Dubois in 1975, the plot against SE-BDY involved a falsification of navigational charts to suggest that Ndola was at a lower altitude than it was, as well as an incendiary device planted in the fuselage which was set to ignite at 4,500 feet. In terms of the navigational charts, it was stated in the notes that "all elevations were lowered 1,000 feet ... [t]he final approach was supposed to be 6,000, but on the final chart was lowered to 4,500 feet". In terms of the incendiary device, Dubois apparently stated that "thermite" was placed next to the fuel line, having been put there through the plane's internal access hatch. The "thermite" was said to be "sulpheric acid which dropped onto potassium chlorate and sugar mixture... [which] in turn ignites ferrio oxide and aluminum powder", the initial stage of which would have been ignited when the plane descended to 4,500 feet of altitude as the ampule of acid was crushed in a bellows, causing, presumably, a fire or explosion.

143. I note that the name "Paul Dubois" is apparently the same name as the French pilot said to have flown one of the first Fouga jets to arrive in Katanga in 1961 in a

test flight to show its capabilities. This aside, the issue that incorrect navigational charts may have been used by SE-BDY had come up in previous inquiries. In relation to this issue, the Hammarskiöld Commission noted the observation of Hammarberg, who opined that "the Ndola [navigational] plates were missing from the recovered Jeppesen manual, and the best and most natural explanation to that is that they were placed in front of the pilots (where they should be) at the time of the crash". There is nothing new to suggest to me that incorrect navigational charts were used, and I agree with the Hammarskjöld Commission's apparent conclusion that the correct charts were used. With regard to the alleged incendiary device, as the Independent Panel observed, a definitive exclusion of sabotage on the basis of there being no traces of (for example) incendiary material cannot be reached because not all of the wreckage material was tested. However, given that I have been unable to identify Dubois or to otherwise take the inquiry further in the time available to me, the information about this alleged plot remains hearsay. Considering that the incorrect navigational chart claim is unfounded, the lack of corroborating information, which renders the information that from a solitary witness, and the hearsay nature of the evidence, I assess the probative value of the new information as weak.

2. Other

144. In the course of my work an individual contacted me, claiming that his team had found allegedly significant new evidence, which they plan to release for commercial purposes. The individual stated that it would be possible to show me the information (but not hand it over to me), only on the condition that I maintain strict confidentiality and not disclose the information in my report, or otherwise until after its commercial release in 2018. Given that these proposed conditions are contrary to my mandate, as well as to a transparent search for the truth, I was not able to agree to them. I reiterated my request for unconditional cooperation, but it was denied.

145. Given that I have received no actual information, I am of course not able to make an assessment of whether the information might or might not hold any probative value. This notwithstanding, I mention the matter in the interest of full disclosure. I also note that the individual stated that State television companies in Denmark, Norway and Sweden have funded their research. This, if true, may be cause for concern, as it would run contrary to a transparent and independent search for the truth. I suggest that this may be a matter for the relevant Member States to follow up.

VI. Findings and conclusions

146. As already noted, the mandate defined in General Assembly resolution 71/260 requires me to, if possible, draw conclusions from the investigations already conducted. It is my opinion that a number of conclusions may be reached. Given that these conclusions form part of the basis for my recommendations, I discuss them in the present section before proposing recommendations below. The present report, including its conclusions, is only a part of a process in the search for the full truth. Given my observations that there is likely to be much relevant material that remains undisclosed, the conclusions of the present report may well require adjustment, depending on what that further information might reveal.

147. In a period of approximately two years since the conclusion of the work of the Independent Panel, the new information which has emerged centres principally on four areas considered by the Panel and connected with the tragic event, namely: (a) aerial or ground attack or other external threat; (b) sabotage; (c) human factors; and (d) the activities of officials and local authorities. Before setting out certain conclusions regarding these areas that can now be reached, I make the initial

observation, to which I will return, that the continued non-disclosure of potentially relevant new information in the intelligence, security and defence archives of Member States constitutes the biggest barrier to understanding the full truth on the event.

A. Shortcomings of the initial inquiries

148. The present report is not intended to sit in judgment over or overwrite the earlier official inquiries. However, insofar as the new information touches on the evidence, proceedings and findings of these inquiries, my mandate permits me to reconsider the matter. The initial 1961/62 inquiries were significant undertakings; however, certain shortcomings in the work done to support the conclusions of each of those inquiries is evident. Regarding the Rhodesian Board of Investigation, limited material was available to it in the short time in which it did its work. The subsequent Rhodesian Commission of Inquiry appeared to, from the outset, have a predisposition to finding that the accident could be imputed to pilot error. Indeed, in its first words in considering whether another aircraft may have been involved, the Rhodesian Commission noted "at the outset we would say no reason was suggested, and we cannot think of one, why anyone who might have been able to attack this aircraft from the air should ever have wanted to attack it as it carried Mr. Hammarskjöld on the mission he was then undertaking". With respect, it seems reasonable to observe that this pre-established bias of starting from an assumption did not make for a truly impartial examination of the events. Regarding the 1961 Commission, although it approached the consideration of the questions in a more open manner, the fact that it relied in part on evidence collected and analysed by the Rhodesian inquiries resulted in some of the shortcomings of this evidence being transmuted to the 1961 Commission's findings.

149. Of particular note are deficiencies in the manner in which witnesses were heard before the early inquiries. The Rhodesian Board of Investigation took only summary statements from the approximately 130 witnesses before it, did not require the appearance of the witnesses in person, and did not record why it posed follow-up questions to some witnesses, but not to others. The Rhodesian Commission of Inquiry did make verbatim records of the testimony of the approximately 120 witnesses that appeared before it; however, like its predecessor, it gave little credibility to and therefore placed little weight on the testimony of what it called "African" witnesses. Its manner of examining witnesses appears to have been influenced by the conclusion of pilot error, which it apparently sought to reach.

150. Although the 1961 Commission in general appeared to provide a forum more conducive to hearing from a broad range of witnesses — for example, local witnesses were provided facilities for interpretation into their own language — there were issues in how it handled witness evidence. For example, the 1961 Commission appeared to place inappropriate and weighty dependence on a highly questionable report on evidence of 21 February 1962 prepared by a consultant, Hugo Blandori, who advised that the testimony of African witnesses "has to be accepted with a grain of salt". It is not ethnicity or race that determines the credibility of witnesses. A promising opportunity was lost in the almost summary rejection of the evidence of local witnesses, which may have affected the exhaustiveness of the earlier inquiries' consideration of the possible hypotheses on the air crash. Furthermore, the 1961 Commission was generally not very analytical or critical of evidence that it accepted from the Rhodesian inquiries and, for example, appeared to have adopted without thorough analysis the view of the Rhodesian Commission of Inquiry that "African" witnesses who spoke of seeing or hearing a second plane may have been motivated by strong anti-Rhodesian Federation political motives — this notwithstanding its own observation that it considered that at least "several of these witnesses were sincere in

their accounts of what they believed they saw". It is hoped that the work undertaken since 1962 has allowed these witnesses to have their versions of the events in question more adequately heard.

151. The early inquiries also seem to have quickly dismissed or undervalued the evidence of the only first-hand witness, Sergeant Harold Julien, who was recorded to have made statements almost immediately upon his admission to hospital on 18 September, including, "it blew up", "there was great speed, great speed", "then there was the crash", "there was a lot of small explosions all around", "I pulled the emergency tab and just ran out", and that "[the others] were just trapped". To a nurse later that same evening, Julien apparently repeated these statements, telling the nurse, "we were on the runway and there was an explosion", "we were on the runway when Mr. Hammarskjöld said 'go back', then there was an explosion", and "I was the only one that got out all the others were trapped". Julien is also reported to have later again stated that Hammarskjöld himself said "turn back" or "go back" before the crash. Julien later also spoke of "sparks in the sky"; his Rhodesian surgeon attributed this as possibly being a symptom of uraemia.

152. Although some witnesses described Julien as rambling or delirious at times, others record him as having been at other times lucid and coherent. It would perhaps not be surprising that someone under medical treatment, at times heavily sedated, might exhibit a mix of these states. Despite this, the Rhodesian Commission of Inquiry disregarded all of what Julien is purported to have said. It went through each of his statements, dismissing them summarily. Of particular note was its treatment regarding the statement concerning the "sparks in the sky", about which it stated, without analysis, that "no attention need be paid ... they either relate to the fire after the crash, or to a symptom of his then condition". The 1961 Commission, perhaps because of its reliance on the findings of the Rhodesian Commission of Inquiry, gave no weight to Julien's statements at all in terms of how the testimony may have related to a cause of the crash. As noted by the Hammarskjöld Commission, the consequence of the dismissal of the possible relevance of Julien's statements is that, out of the 27 witnesses who were able to testify about Julien, the Rhodesian Commission of Inquiry heard only 8, and the 1961 Commission only 5 of those 8. The only statements available from someone who experienced the crash from inside the aircraft were dismissed without further analysis. This occasioned a significant loss in the receipt of evidence and amounts to me to a material failure to consider potentially relevant evidence.

153. By and large, the early inquiries did not make what might be considered a fair and reasonable assessment of the evidence that there was more than one plane observed as SE-BDY approached Ndola, that the aircraft was on fire before it hit the ground, or that it may have been the subject of an attack or external interference. Indeed, even the 1961 Commission, in reaching its open verdict, considered that, in spite of all of the witnesses' testimony, there was "no evidence to support" the "possibility that the crash may have resulted from evasive action, or from momentary distraction of the pilot by an attack or feigned attack from the air or from the ground". I consider this further below. It is also surprising that the early inquiries did not consider whether radio intercepts of the event may have been made by Member States or others. This is also discussed further below.

154. As considered in section V, it appears that representatives of at least one Member State may have attempted to influence the early inquiries to find that pilot error was the cause of the crash. In the final text of the 1961 Commission's report, at least one of the revisions sought by the United Kingdom appears to have been adopted. Other information suggests that one of the three members of the Rhodesian Commission of Inquiry, Justice Lloyd-Jacob, also attempted to influence the 1961 Commission to concentrate only on certain aspects of the crash. Justice Lloyd-Jacob appeared to have

hoped to appease the United Kingdom Secretary of State, Earl Home, in correspondence, informing him that "on the issue of causation of the crash I should expect them [i.e. the 1961 Commission] to concur in our findings" — that is, that sabotage or other malicious action could be ruled out. In fairness, as its conclusions did not result in this outcome, it cannot be said whether this attempted influence affected the 1961 Commission's independence.

155. I have not considered the reasons why individuals or Governments may have sought to influence the findings of the early inquiries, including those of the 1961 Commission. There may well have been good intentions or honest beliefs behind these actions. Furthermore, I do not mention matters in the preceding paragraphs with the intention to single out any Member State; I merely refer to the necessarily limited information that has been provided to me in the course of my work. Nonetheless, these issues should be observed as a matter of record. Gladly, I am able to state that both during my former role as Chair of the Independent Panel and in my current role as Eminent Person, the Panel and I have been treated in an accommodating and supportive manner by representatives of Member States, with the utmost respect having been given to the independence of our mandates.

B. Cause or causes of the crash

156. Causes of the crash may best be appreciated when placed in two main groupings: those that had some form of interference ("external interference" is categorized as aerial or ground attack or other external threat, and "internal interference" is categorized as sabotage) and those that did not. The issue of possible "human factors" is considered separately.

1. External interference: it is plausible that an external attack or threat was a cause of the crash

157. The 1961 Commission did not find evidence that SE-BDY was subjected to aerial attack or harassment but could not rule out the possibility that such an attack may have taken place. The Independent Panel observed that "no radar watch was maintained in the Ndola area during the evening and night of 17 September 1961 and, therefore, the possibility of an 'unknown aircraft' cannot be entirely excluded". The Panel assessed new information, finding that eyewitness statements, the alleged intercept of transmissions and additional information on the air capability and military personnel of the provincial government of Katanga in 1961 were of moderate probative value and may provide an appreciable lead in the search for more information. I followed up on each of these leads in my work.

158. In 2017, I did not seek to interview the eyewitnesses again, having noted the Independent Panel's assessment that "little will be gained by subjecting the surviving eyewitnesses who reside in Zambia to additional questioning". However, I did receive further information concerning the intercept that Abram stated having heard, as well as information concerning the allegation that "Beukels" intercepted SE-BDY, and information regarding the capability of Katangan forces to conduct an aerial attack.

159. Based on the information that we have at hand, it appears that it would have been plausible for hostile action emanating from outside the plane to have been a cause of its crash, whether by way of direct attack causing it to crash, or a momentary distraction of the pilots by a perceived threat which caused them to fly too low and crash. From the expert evidence of Da Costa and Hammarberg, an attack or other distraction need only have taken away the pilots' attention for a matter of seconds at the point at which they were in their descent to have been potentially fatal. It would have been difficult to conduct an attack on SE-BDY given the limitations, including

of flying at night without radar. However, it is established that there were planes and pilots capable of conducting such a mission against SE-BDY. There was apparently widespread advance knowledge of the fact that Hammarskjöld would be travelling to Ndola that night — the 1961 Commission received testimony from more than one witness that the matter had even been broadcast over the news. The evidence of many eyewitnesses that state that they observed more than one aircraft in the air, that the other aircraft may have been a jet, that SE-BDY was on fire before it crashed, and that SE-BDY was fired upon or otherwise actively engaged by another aircraft is, in totality, not possible to merely dismiss. In addition, the fact that Member States have not fully identified what may be in their records has in itself now become a material fact in this matter.

(a) Information from eyewitnesses

160. Since the conclusion of the work of the 1961 Commission, a total of 12 new witnesses have been interviewed. The new witnesses were asked their reasons for not testifying at the Rhodesian inquiries and before the 1961 Commission and responded that they were either not made aware of the search for witnesses at that time or feared some form of recrimination. Of the new witnesses, some were interviewed by private researchers, seven were interviewed by the Hammarskjöld Commission in 2013, and six of those seven were also interviewed by the Independent Panel in 2015.

161. The Independent Panel considered the fact that the visual identification evidence that it received had come from nine octogenarian local witnesses, many years after the fact. Some of them were charcoal burners (Ngongo, Custon Chipoya and Moses Chimema) who were attending to their kilns in the forest close to the crash site on the relevant night. The Independent Panel listed the relevant objective factors which informed its assessment of witnesses, including reliability and correctness of visual identification in unfavourable night circumstances, opportunity of observation, lapses in human memory with time, inconsistency and contradictions, and so on. The Panel then assigned moderate probative value to the information from these witnesses, which tended to establish that there was more than one aircraft in the air at the time SE-BDY made its approach to Ndola, that any aircraft present other than SE-BDY was a jet, that SE-BDY was on fire before it collided with the ground and that SE-BDY was fired upon or otherwise actively engaged by one or more other aircraft. The Independent Panel also assessed the evidence of three of the same witnesses of advanced ages as having nil probative value.

162. The Rhodesian Board of Investigation had evidence that seven witnesses had seen a second or third aircraft, some of whom suggested a scenario indicating an attack on SE-BDY. The Rhodesian Commission of Inquiry declined to hear all of these witnesses but heard at least six witnesses speak of more than one plane. It was generally critical of these witnesses in a manner unlike its treatment of witnesses who did not describe seeing a second plane; as already noted, this may have been related to its pre-established bias. The 1961 Commission also heard from at least 6 witnesses who spoke of more than one plane and at least 12 witnesses who spoke of something such as a flash in the sky. More recently, the Independent Panel heard that five new witnesses observed more than one aircraft (as well as seven who claimed that the large aircraft was on fire prior to crashing). As discussed above, the one survivor of the crash, Harold Julien, also provided testimony that suggested a threat or attack as the plane approached Ndola, possibly involving a sudden explosion.

163. Individual witnesses were not the only ones aware on that night of these matters. Information received from the United States by way of two communications of 18 September from Gullion to the Department of State describe two issues of note. The first states that the plane "may have been shot down", and the second discusses reports of a "flash in the air". According to the communications, one or both of these

pieces of information were also passed on immediately to the White House, the Secretary of Defence, the Army, the Navy, the Air Force and CIA. It is a notable matter that a first impression of the United States Ambassador on the ground was that the crash had resulted from hostile action.

164. On balance, there is an ample sum of relevant eyewitness evidence that tends to establish that there was more than one aircraft in the air at the time SE-BDY made its approach to Ndola, that any aircraft present other than SE-BDY was a jet, that SE-BDY was on fire before it collided with the ground, and that SE-BDY may have been fired upon or otherwise actively engaged by one or more other aircraft. This evidence will need to be further considered as the record develops, and should be assessed against information from Member State intelligence, security and defence archives, which it is hoped will be forthcoming.

(b) Claims that communications regarding the attack were overheard

165. The Independent Panel assigned moderate probative value to the claims made by Charles Southall and Paul Abram to have separately listened to or read a transcript of an intercept of radio transmissions on the night of 17 to 18 September 1961 relating to what they believe was an attack on SE-BDY that brought about the crash. Both claims are described more fully in the reports of the Hammarskjöld Commission and the Independent Panel.

166. Recalling the information concerning Southall, he stated that he was a "processing and reporting" officer stationed at a naval communications facility of NSA near Nicosia in 1961. He has consistently stated that on the relevant night he heard or read the following statement: "I see a transport plane coming low. All the lights are on. I'm going to go down to make a run on it. Yes, it's the Transair DC6. It's the plane. I've hit it. There are flames. It's going down. It's crashing." He stated that this communications intercept was made by CIA but passed to the NSA working area where he was with four or five other staff when he heard the recording or read the transcript. Southall also stated that he was informed by his Communications Watch Officer or another officer present at the relevant time that a Belgian pilot known as the "Lone Ranger", flying a Fouga Magister aircraft used by Katangan forces, made the transmission and that the pilot "must be waiting for Hammarskjöld's plane". It will be recalled that the references to the "Lone Ranger" and the Fouga Magister were also made by the United States Ambassador in Leopoldville, Gullion.

167. I was informed in the course of my work that Southall had unfortunately passed away since the Independent Panel's completion of its work. As will also be recalled, the United States confirmed in 2016 that he joined the Navy in 1955, was released from active duty in 1969 and retired as a commander from the Naval Reserve in 1978. No further information was received from the United States regarding Southall's claim, including any response to the Independent Panel's questions as to whether Southall was stationed in Greece or whether he worked in support of NSA, as he had stated. Despite the fact that Southall has passed away, it is still possible for the United States to confirm or deny these aspects.

168. Recalling the claim made by Abram, it will be recalled that he also stated that he had heard transmissions related to the shooting down of an aircraft in or near the Congo on the night of 17 to 18 September 1961 while stationed at an NSA listening post in Irakleio (Crete), Greece. Between 2015 and 2017, the United States advised that it did not have any records relating to Abram. As described above, the United States has recently provided what appears to be a service record confirming that Abram did work for the Air Force as an intercept specialist operating in Crete with the United States Air Force Security Service. The United States says that the

documents that it provided also establish that Abram was not in Crete in September 1961. He disputes this.

169. The claims made by Southall and Abram are germane to the question of whether SE-BDY may have been subjected to some kind of attack. The United States has now confirmed that they both served in its military and that Abram worked in intelligence. There are, however, competing claims and unresolved aspects of the information. These aspects include the capacity in which the two officers served at the material time, the precise dates at the duty stations in question, and their respective claims that tapes or other records were made of what they say they heard and sent to the United States (and, in the case of Abram, the United Kingdom). It appears that the United States ought to at least have some additional records to enable a reasonable resolution of the matter.

(c) Capacity to conduct an aerial attack

170. The early inquiries essentially ruled out the possibility that what they believed to be the sole attack aircraft available to Katanga on 17 and 18 September 1961 — a Fouga Magister jet — could have been used in an attack on SE-BDY. This was based on the fact that they considered it not possible for the Fouga to have reached Ndola and returned to Kolwezi, owing to the limits of its fuel-carrying capacity. The early inquiries also considered that, in any event, the Fouga "captain" (Delin) and others had stated that it was grounded that night. Neither piece of evidence is conclusive: "Captain" Delin admitted before the Rhodesian Commission of Inquiry that on at least one occasion the "Fouga had taken off from an unpaved track", meaning that it could possibly, for take-off or landing, have used an airstrip other than Kolwezi, of which there were numerous of necessary length, as shown in the map annexed to the present report. In addition, the evidence of Da Costa and Hammarberg, based on their own experience and the Fouga manuals, suggests that it would in any event have been possible for the Fouga to fly from Kolwezi to Ndola on a combat mission and return. Although a Kolwezi-Ndola-Kolwezi mission would have allowed only a very limited combat window, if the Fouga had taken off or landed at a closer airstrip, then reaching Ndola would have clearly been possible. Furthermore, it appears questionable that the evidence of Delin was accepted without further analysis. The Rhodesian Commission of Inquiry found that "he came voluntarily to give this evidence ... we found no reason to doubt his evidence". This was notwithstanding the fact that Delin was a Katangan mercenary suspected of possible complicity in the tragic event, which may have been reason enough for at least some analysis of his motivation. Indeed, Delin's accounts show inconsistencies in areas including how many pilots were available, and even whether he was a pilot himself — the balance of evidence subsequently obtained, including from his comrades, suggests that he was not. There are also contradictions between his statements to the Rhodesian Board of Investigation and the Rhodesian Commission of Inquiry.

171. In 2015, the Independent Panel assessed that it was possible that a Fouga Magister jet, De Havilland Dove or Dornier DO-27 or DO-28 aircraft could have been used in an aerial attack on SE-BDY. However, it assigned weak probative value to the information that a specifically identifiable attack was perpetrated by one of these aircraft, on the basis of a lack of other supporting evidence, and in the light of the operational and other difficulties and limitations regarding conducting a direct attack at night. However, the expert opinion that I have received has again underscored that it would have been easier for a second aircraft to harass or distract SE-BDY, rather than to shoot it down. If such threatening action had been taken at the critical point in the approach of SE-BDY to land, it could have caused the crash without resulting in any additional physical evidence.

172. The new information that I have assessed in 2017 supports the findings of the Independent Panel and goes further to indicate that an aerial attack on SE-BDY would have been possible using resources existing in the area at the time. New information from United Nations archives indicates that there were many more airfields or airstrips that could have been used for an attack than the Independent Panel initially considered. Other information confirms there were various pilots capable of perpetrating an attack, whereas the early inquiries considered Delin only. In addition, there were more aircraft than initially established, including the possibility that there may have been a second Fouga Magister jet in operation. As the expert evidence that I have analysed indicates, it would have been challenging for a Fouga or other aircraft to take off, attack and land at night. However, there are descriptions in the witness testimony of the early inquiries stating that aircraft landings had been made at night by using sand and kerosene for flare paths, and there was evidence before the 1961 Commission of Inquiry that most of the United Nations flights in the Congo at the time were undertaken at night.

173. The preceding observations relate to the possibility that the armed forces of Katanga could have perpetrated an attack or interfered with SE-BDY. The 1961 Commission was not able to, and nor can I, rule out the possibility that there was another non-Katangan aircraft in the air that night. This may have included, for example, 1 of the Royal Rhodesian Air Force's 18 Canberra jet fighter-bombers which had been deployed to Ndola, 1 of its approximately 30 Vampire jet fighter-bombers or trainers, or 1 of its 12 light attack Provosts. This is not to say that I have specific evidence to indicate that one of these aircraft was airborne in Ndola on the night of 17 to 18 September 1961, and much less so of course to indicate that one was involved in any attack. However, the relevant area was Rhodesian airspace, and without having seen all potential records, and given the volume of eyewitness testimony that suggests that a second plane was airborne, the possibility that a non-Katangan aircraft may have been in the air cannot at this stage be conclusively dismissed.

174. Although the information that a Fouga, De Havilland, Dornier or other aircraft could have attacked SE-BDY was assessed as weak in isolation, it must be considered in the light of the other evidence, including that of the witnesses. Furthermore, as has been noted, it need not be the case that the crash of SE-BDY was the result of a direct and successful attack; it could have been enough for a second aircraft to have harassed the plane for such action to have been a cause of the crash.

175. In concluding on this issue, I note that aspects of the claim by Beukels are consistent with other evidence; to my mind, this may still be considered a claim warranting further review. Such consistencies from Beukels's claim include the fact that SE-BDY had its lights on and that the Fouga used a searchlight, which is consistent with Southall's account, as well as that of eyewitnesses, some of whom described the planes as being lit. Beukels's account is also consistent with the actual timing of the crash, the potential flying range of the Fouga, the possibility that orders were given by radio in French (consistent with Southall's evidence as well as the possible presence of French speakers Barrau and/or Lalande in the cockpit), and the statements of Julien that Hammarskjöld said, "turn back". I also note having received an updated opinion from Hammarberg, stating that owing to the Fouga cockpit design, it would have been possible for the navigator in the back seat to have used the radio to transmit messages while the pilot in the front seat simultaneously controlled the aircraft and performed an attack — as also claimed. There are many aspects of the Beukels story that conform with known facts; however, the claim, which also alludes to the alleged participation of two Fouga Magisters, still requires verification and independent corroboration. It seems as though the clearest way to verify whether this may have taken place would be to examine the intelligence, security and defence

archives of Member States to ascertain whether any recordings of the alleged intercepts exist.

2. Internal interference: it is not possible at present to conclude whether sabotage was a cause of the crash

176. As will be recalled, the possible role of various forms of sabotage in the crash has been examined since the early inquiries. The Independent Panel found that there was nil probative value in the claim made in 2015 that staff members of a foreign embassy (Romania) in Leopoldville were involved in planting an explosive device on SE-BDY while it was on the tarmac at Leopoldville airport, or the claim that a hijacker or "extra" passenger was smuggled aboard SE-BDY. The Panel was not able to fully assess the sabotage claim outlined in the documents of the South African Institute for Maritime Research which described "Operation Celeste".

177. The 1961 Commission noted that the absence of a special guard having been posted at SE-BDY while it was on the ground in Leopoldville meant that the possibility of an unauthorized approach to the aircraft for the purpose of sabotage could not be ruled out. Swedish aircraft technicians had also confirmed that the aircraft had been left unattended, and with the front cargo hold unlocked. However, the Independent Panel found that the documents of the South African Institute for Maritime Research ordering "Operation Celeste" which targeted Hammarskjöld's "removal" lacked probative value, owing mainly to the non-establishment of their authenticity, uncertainty over their chain of possession, and uncertainty regarding whether the Institute existed in September 1961. I had hoped to be able to assess the veracity of the documents. Unfortunately, as access to them was not made available to me, this is a hypothesis that I was not able to dispel or further authenticate.

178. I have found no basis to support any other claim of sabotage. Accordingly, at the present time, the verification of the claims regarding Operation Celeste remains necessary before any firm conclusion may be reached regarding the possible role of sabotage in the crash. An analysis of the original documents themselves remains necessary, as is a possible questioning of witnesses and a concerted examination of Member State intelligence, security and defence archives, to ascertain whether the South African Institute for Maritime Research or Operation Celeste (which, among other things, alleges a CIA role) are referred to.

3. It remains possible that the crash was an accident caused by pilot error, with no interference

179. It is of course conceivable that the crash resulted from simple pilot error, despite the experience of the crew and the normal conditions that preceded the approach to landing. It would be a simple result if we were able to say with conviction: all of the potential evidence has been obtained and reviewed, and there is no other possible explanation. Of course, it is not the case that a totality of the evidence that once existed will be able to be reviewed. This is because, for example, a greater part of the plane was burned after the crash and thus unable to be tested; it will never be possible to reach a definite conclusion that there were no foreign materials present in the wreckage before it burned. Despite such limitations, if all existing evidence has been reviewed and the result is that no other hypothesis can be supported, then it may be legitimate to surmise that, for all intents and purposes, there can be no explanation other than pilot error.

180. There are questions that surround the type of pilot error that may have occurred and, specifically, whether some other failure may have been a contributing factor. However, theories that there may have been a mechanical or other material failure, including with the altimeters, that the wrong altimeter setting (QNH) was conveyed

or that the wrong landing charts were used have, to my mind, been adequately dismissed in the course of the work of the Hammarskjöld Commission and the Independent Panel. Therefore, if there was a crash without external interference, it is almost certain to have resulted from some problem of pure pilot error, such as a combination of a misreading of the altimeters and visual error.

181. Pilot error is a logically attractive hypothesis, in part because of concerns with the other hypotheses, for example the difficulty of making an aerial attack or other interference and, in particular, of conducting an air-to-air attack at night, or, in considering possible sabotage, the fact that SE-BDY was left unguarded only for a short time in Leopoldville. However, it would be logically unsound at the present stage to make a finding that the most likely conclusion is that there was no external or internal interference, for two main reasons. The first is that it is very apparent, as discussed further below, that we have not seen all relevant evidence. To come to any conclusive finding while knowing fully well that one has not seen all potentially material evidence would be neither judicious nor responsible. Second, there remains so much unanswered evidence, at least some of which may likely be explained by information held by Member States, such as whether the alleged voice intercepts exist and are genuine or fraudulent, or whether any security or intelligence entity recorded the presence of a second aircraft.

4. It is plausible that human factors played a role in the crash

182. "Human factors" such as fatigue may have played a role in the crash, regardless of whether some other interference was involved. It is possible for such human factors to contribute to pilot error or to limit a pilot's ability to respond to an event of interference. As the Independent Panel noted in 2015, SE-BDY, a DC-6B, was a complex and highly demanding aircraft to operate requiring a minimum of three crew members (two pilots and a flight engineer). The Independent Panel accepted that if the crew of SE-BDY were fatigued, then they may have had an increased risk of making simple errors or experiencing visual illusions or a loss of situational awareness. Equally, it would have been possible for fatigue or other impairment to affect the crew's ability to react to and manage an abnormal or emergency situation, such as an aerial attack or external threat, or to deal with consequences of sabotage or technical failure.

183. The Independent Panel considered a contemporaneous analysis conducted by qualified staff working for the relevant Swedish authorities, drawing from records of Transair, the company that operated flight SE-BDY. It assigned moderate probative value to information that three of the four members of the flight crew did not appear to have had sufficient opportunity for adequate rest before flight SE-BDY; however, the pilot, Hallonquist, appeared to have had adequate opportunity for rest. In the course of my further inquiries, I have analysed whether there is probative value in the allegation that the crew may have been affected by alcohol or drugs. Having considered the expert assessments that I had received, I concluded that there was no such impairment. Based on the foregoing, I find it to be plausible that fatigue may have affected the ability of the co-pilot and the flight engineer of SE-BDY, including their ability to respond in the event of any unexpected circumstance. It seems unlikely to me, however, that there was any such effect on the pilot, based on available evidence.

C. Other matters

1. Further relevant information must exist

184. A close reading of the record, including the partly declassified information, indicates that it is almost certain that relevant, undisclosed information on some of the matters connected with the conditions and circumstances involving the tragic event exists in the intelligence, security and defence archives of Member States. Judging from history and the manner in which potential new information has emerged over the years, it is still likely that additional information will be located, unearthed or made available. While this may provide some consolation, it does not quench the dire need to fill the gaps to discern the whole truth and to arrive at a conclusive determination of the probable causes of the crash. Rather, what is required, and this is long overdue, is an unqualified, unreserved disclosure of relevant information that may exist but has so far been withheld by the intelligence, security and defence agencies or services of Member States.

185. In the past two years, the body of knowledge about Member State intelligence, security and defence information has developed. For example, in the course of the current inquiries, the United States has clarified that there were one or more CIA operatives present in the Congo region at the time. It has provided diplomatic archives showing that CIA and other intelligence, security and defence entities were kept apprised of important developments in the political sphere. The United States has further confirmed that it had assets including the Dakota aircraft in Ndola at the relevant time. The records show that the Dakota or Dakotas were capable of intercepting communications and had radio equipment high-powered enough to transmit messages intercontinentally. In addition, the United States advised the Independent Panel in 2015 that "CIA has conducted a search and has found no documents regarding the presence of Fouga Magister aircraft in the Katanga region around the time in question". However, in 2017 it provided information to me indicating that other archives did have a significant amount of information relevant to the presence of three Fouga aircraft, which is also a welcome development.

186. In an encouraging development, Belgium has directly confirmed that relevant information exists in its security archives and released certain documents.

187. In its responses to me, Germany made reference to categories of relevant information which included information in intelligence, security and defence archives. I received copies of some of this information thanks to the research and assistance of Mr. Gülstorff. However, from the research conducted, it seems possible that limitations may have applied to the searches, as the files identified exhibit a notable absence within the archives of Germany to references to the crash of SE-BDY, the death of Hammarskjöld and the subsequent investigations. It would not be unreasonable to assume that these events were matters of interest within East and West Germany, not least evident in the fact that, according to the archives reviewed in 2017, West Germany played a role around August 1961 in coordinating attempted secret talks between the then President of the Congo, Joseph Kasavubu, and Moïse Tshombe.

188. The United Kingdom has, for (what I understand to be) the first time, provided information from its archives that, when cross-referenced with information already on record (including statements from the High Commissioner in Salisbury, Lord Alport) confirm the presence of MI5 and MI6 operatives, including David Driver and Neil Ritchie. This information legitimizes surrounding information to be gleaned from one of the key documents, the 25 September 1961 annexed report of Neil Ritchie, which deals with matters such as the United Kingdom-facilitated arrangements for Hammarskjöld's proposed meeting in Ndola, including the transport

of Ishombe to that meeting. These direct references to Driver and Ritchie in the information received from the United Kingdom confirm that there was activity by foreign intelligence services immediately prior to and following the crash of SE-BDY which is not reflected in any of the official inquiry reports but which must remain in the records of Member State intelligence, security and defence agencies. There is also the information that I received from the United Kingdom that in 1962 it was receiving intelligence reports from Rhodesia, some of which have been declassified, including Northern Rhodesia Intelligence Committee reports. These are likely able to be traced further within the existing records, and it seems likely that, wherever they are held, the archives of the Federal Intelligence and Security Bureau (the intelligence and security arm of the colonial Federation of Rhodesia and Nyasaland) are also likely to contain additional relevant information. Similar reports from 1961 to those reviewed from 1962 have not been brought to my attention, but they exist in all likelihood and must contain further relevant information. Further still, if Member States were intercepting communications from Hammarskjöld's CX-52 machine, as alleged, then such intercepts could be traced to ascertain whether additional relevant information exists.

189. Certain areas of inquiry can thus be clearly identified which, at the minimum, require the active cooperation of certain Member States to search in their intelligence, security and defence archives for information. The primary area is that of radio intercepts and related records (including, for example, tapes, transcripts, secondary/tertiary information and other material), most particularly regarding possible communications by or between SE-BDY, any other aircraft, ground forces and air traffic control. Any such information regarding what occurred during the last minutes of SE-BDY, if verifiable, will be likely to either prove or disprove one or more of the existing hypotheses, bringing us more proximate to closure. Alternatively, if comprehensive searches which include intelligence, security and defence archives show that there is no and was never such a recording or other information, then we may truly be able to conclude that there could have been no other probable cause than pilot error.

190. As was established by the records of the Rhodesian Commission of Inquiry, according to the Salisbury air traffic controller the "[Ndola air traffic control] log is an attenuated document and that a good deal occurred which is not recorded on it". We now know that it is likely that additional records of radio intercepts and related records must exist, which would augment the imperfect record made by Ndola air traffic control, created 32 hours after the crash. Some of the new information that I have reviewed is proof that Member States intercepted United Nations communications in the Congo, that there were Member State assets with interception capability in Ndola on the relevant night and that the intelligence personnel of various Member States were present in the Congo and Northern Rhodesia at the relevant time. The testimony of Southall and Abram and the records of other individuals such as De Kemoularia and Meijer also indicate that there are likely to have been relevant transmissions over radio waves to which Member States and others were listening. The availability of these or other recordings may further corroborate and lend credence to the air control log.

191. In the light of the analysis of the present report, it appears to me to be reasonable to conclude that the burden of proof has now shifted to Member States to show that they have conducted a full review of records and archives in their custody or possession, including those that remain classified, for potentially relevant information. These matters are discussed further under the recommendations contained in section VII.

2. It is almost certain that Hammarskjöld and the other members of the party accompanying him were not assassinated after landing

192. In relation to the cause of death of the passengers of SE-BDY, the Independent Panel found that the findings and conclusions of the original post-mortem examinations conducted by Drs. Ross, Smith and Stevens in 1961 were well founded, that is, both the contemporaneous and the new information supported the conclusion that all passengers died from injuries sustained during the plane crash, either instantaneously or soon after. This finding was based on the fact that the forensic experts consulted by the Swedish Royal Medical Board (as part of the 1961 Commission investigation), Ms. Williams, the Hammarskjöld Commission and the Independent Panel respectively supported the correctness of the post-mortem examinations. The Independent Panel was also able to access the original autopsy X-rays. Mr. Fleming provided an opinion, which the Panel accepted, that all injuries were correctly recorded by the pathologists at the time of the post-mortem examinations and that there was no bullet wound to Hammarskjöld's forehead.

193. Taking into account the conclusions of medical experts, it appears reasonable to conclude that other claims regarding the cause of death, including that Hammarskjöld was assassinated either before the crash or after surviving it, lacked probative value. It should now be accepted as convincingly established, and is in my view without a flicker of doubt, that the former Secretary-General Hammarskjöld died instantaneously or within brief moments after impact, along with all other crew and passengers except Harold Julien. As found by the 1961 Commission of Inquiry, Julien, the Acting Chief Security Officer of ONUC, who succumbed to death due to medical complications from renal failure on 23 September 1961, would have had better chances of survival if he had been rescued earlier than the 16 hours it took the Rhodesian authorities. With the cause of death of all occupants of SE-BDY having been properly accounted for in a timely manner, there is no room for speculation of any post-air crash assassination.

3. Acts of local officials and authorities, including search and rescue

194. The Independent Panel found that new information from two eyewitnesses that the aircraft wreckage was found by Northern Rhodesian authorities prior to 1510 hours local time (the time presented in its official account) had moderate probative value. The Independent Panel also found moderate probative value in information that Lord Alport had learned of the crash upon his arrival in Salisbury at 1400 hours local time on 18 September 1961, before the time presented in the official Rhodesian account. Furthermore, as the 1961 Commission noted, the search and rescue efforts for SE-BDY on 18 September 1961 fell far below the expected standards of diligence. Despite some reports to authorities that suggested a crash almost immediately after it occurred, the fact that it was clear that SE-BDY had not landed, and the fact that more than 20 military aircraft were available in the immediate area, the wreckage was not located until 15 hours after the crash and more than 9 hours after first light. The 1961 Commission considered, and I agree, that search and rescue operations were hampered by "shortcomings in liaison and cooperation between the aviation officials concerned, by lack of initiative and diligence on their part and by delay in applying the prescribed procedures". In addition to other consequences, had the crash site been located earlier, it would have been possible that Julien would have survived, saving his life and preserving the sole first-hand witness to the conditions and circumstances surrounding the tragedy.

195. While the testimony of concerned officials and witnesses had inconsistencies, assessed as a whole and without further evidence, it does not by itself justify a finding that there was official collusion to delay the search or some other kind of cover-up.

Accordingly, notwithstanding the delays to search and rescue operations, which may have shown a lamentable lack of professionalism, it does not appear to me that there was a conspiracy of inaction that would necessarily suggest collusion or cover-up regarding the cause of the crash.

VII. Recommendations and conclusion

A. Basis for recommendations

196. Following the work of the Hammarskjöld Commission, this matter, having lain dormant for over half a century, was brought before the General Assembly again in 2014. At that time, based on the availability of new evidence, the Secretary-General suggested three options: appointing an independent panel of experts to assess the probative value of the new evidence and to make recommendations, reopening the 1961/62 inquiry as conducted by the 1961 Commission, or establishing a new inquiry. In doing so, the Secretary-General also suggested that Member States be encouraged, in the light of the passage of time, to seek to declassify any relevant records in their possession.

197. The General Assembly elected to appoint the Independent Panel to assess the probative value of new evidence and to make recommendations. The mandate given to the Independent Panel, and then to me as Eminent Person, has seen the United Nations as a collective body conduct very significant work in attempting to establish the truth of the events of 17 and 18 September 1961. Under the auspices of the United Nations, new witnesses have been interviewed, tens of thousands of pages of original records have been reviewed, forensic tests have been conducted, experts have been consulted, and Member States have been engaged with. Under the auspices of the United Nations, we have seen a process by which it has been possible to exclude certain unsubstantiated claims and to focus on the hypotheses that represent what may truly have happened on that night.

198. The fact remains, however, that the information made available to the United Nations has been insufficient to come to conclusions about the cause or causes of the crash, and it seems likely that important additional information exists. Despite the Secretary-General's recommendation that Member States should consider declassifying relevant records in their possession, it has not been reported that any Member State has conducted a systematic process to identify and review for possible declassification records that were still classified in 2013. Member States have provided a multiplicity of records from the diplomatic and political realms, but, apart from very limited exceptions, almost no information from intelligence, security and defence entities has been declassified or otherwise made available. If there is information that will reveal to us more about the cause of the crash, it is likely to be in such archives. What is acutely needed is that all Member States that may hold relevant information should thoroughly review their intelligence, security, defence and other records and disclose or at least confirm the existence of any relevant material or, if no such relevant material exists, make an explicit and unequivocal statement to this effect.

199. Given that it has no power to compel disclosure of documents from Member States, the United Nations may have approached or is probably approaching the limits of its capacity to obtain new information of sufficient probative value in a constructive and timely fashion. If the full truth of the events of 17 and 18 September 1961 is to be known, then the allocation of the burden must now shift and rest with individual Member States that may hold relevant information to mandate a process by which all records can be reviewed.

200. There is surely a balance that can be struck in maintaining the legitimate security interests of Member States while genuinely reconsidering whether it is possible to disclose the existence of information which is almost 60 years old and relates to events, and indeed a world, long past. Many Member States mentioned in the present report have already conducted varying forms of their own internal inquiries regarding their activities in Central Africa in the decades following the end of the Second World War, the results of which have become public.

201. It bears underscoring that I have been able to mention specific Member States in the preceding analysis because they have cooperated in responding to my search requests, to which I am indebted. I have not received responses from certain other Member States to which I directed queries. It of course stands to reason that they and other Member States remain possible sources of additional information, and I would equally urge them to cooperate with the requests for searches.

202. I have turned my mind to whether it may be useful to reconsider the other options put before the General Assembly in 2014, namely, to reopen the 1961/62 inquiry, or to establish a new inquiry. I do not recommend such an option at the current time, as any reopened or new inquiry would face the same limitations, being that there is no mechanism to require or compel Member States to identify or disclose relevant records. Therefore, while it remains my view that a further inquiry or investigation would be necessary to finally establish the facts, I believe that what must precede this is an agreement by Member States that they will cooperate in comprehensive reviews of their intelligence, security and defence archives and a meaningful re-evaluation of whether they have justifiable reasons to continue to withhold any relevant information that may be contained therein. On this basis, I propose the following three recommendations going forward. These recommendations are not mutually exclusive or incompatible and may be carried out contemporaneously.

B. Recommendations

203. **First, I recommend that the Secretary-General or his independent designate follow up on discrete unfulfilled aspects of the current inquiry.** I note that there are a number of matters which are at an advanced stage of inquiry but which, owing to a lack of time or resources, as well as limited cooperation from Member States, I have been unable to finalize. These matters are unlikely of themselves to be conclusive regarding the cause or causes of the crash. However, they should be considered important as they relate to various claims connected with the tragic event and, when assessed and completed, are likely to have a probative bearing on the hypotheses regarding the cause or causes of the crash. The following discrete unfulfilled but matured aspects of the current inquiry should be concluded:

(a) Seeking responses to my requests to Member States to conduct expanded searches, where such Member States have not yet responded;

(b) Seeking to obtain full access to the records and documents relating to the South African Institute for Maritime Research and Operation Celeste, such as may have been identified by South Africa, with a view to conducting an independent assessment of their age, authenticity, chain of custody, provenance and other relevant information;

(c) Examining and verifying from United Nations archives, the International Civil Aviation Organization and other reliable sources of information the air capacity of the Katangan Air Force; the airports or air strips under its control; the pilots in its services; and the hostile actions undertaken by its aircraft against ONUC between 10 and 20 September 1961;

(d) Following up with the United States regarding unanswered queries (from the Independent Panel, the United Nations and the Eminent Person) and newly developed aspects of the queries regarding the service history of Abram and Southall;

(e) Searching for the existence or otherwise of communications sent to, received from or overheard by relevant air traffic control towers and SE-BDY or by other relevant parties connected with the fateful event and assessing their probative value;

(f) Following up on the efforts to discover the original notes and tape recordings of De Kemoularia's interview with "Beukels", including possible proof or verification of the identities of "Beukels", "De Troye" and "Grant", including with Governments of relevant Member States.

204. **Second, I recommend that relevant Member States each be requested to appoint an independent and high-ranking official to conduct a dedicated internal review of their intelligence, security and defence archives to determine whether relevant information exists.** I suggest that this process would require the appointment of a high-ranking official who is independent from the executive branch of government and who has the requisite clearances and resources. This person would need to comprehensively examine relevant intelligence, security and defence archives to ascertain whether they hold information that sheds light on the circumstances surrounding the crash of SE-BDY, before communicating a summary of the results to the Secretary-General or a person appointed by him under strictly confidential conditions. Following receipt of this information, the Secretary-General or a person appointed by him would liaise bilaterally with each individual Member State concerned to provide it with an opportunity to request the redaction of specific information, before the outcome is reported to the General Assembly. In the event that relevant records are identified but unable to be disclosed for security or other reasons, then the acknowledgement of the presence of such records would still be a significant contribution to the historical record.

205. **Third, I recommend that the United Nations review its own specific records and archives for possible declassification.** Although it is ultimately a matter for the Secretary-General and an initiative that may not be without resource implications, I believe that it would be a beneficial exercise in transparency for certain records and archives of the United Nations related to this matter to be reviewed for declassification and made publicly accessible. This may include the records of the Eminent Person, those records of ONUC to which my first recommendation refers, as well as all records relating to the tragic incident, for their possible declassification. Not only would this set an example for Member States, but it would also help to identify where additional correlating information may be found within Member State archives. Regarding the records of the Hammarskjöld Commission, I understand that when that body concluded its work, it transferred its records to the United Nations on the explicit understanding that it did not object to the materials being made public.

206. Although it does not form a recommendation per se, I note that this matter may benefit from having a specific person or persons mandated on an ongoing basis to receive and collate new information in order to transmit it to the Secretary-General. In my opinion, it would be useful for such a person or persons to, using the conclusions of the present report as a guide, also carry out intermittent assessments of the degree to which any new information adds to our knowledge of the conditions and circumstances resulting in the tragic incident, in order that the Secretary-General may keep the General Assembly apprised of such developments.

207. In concluding, I again underscore the importance of continuing to work collaboratively in our search for the truth and our duty to do so to the families of the victims, to the United Nations organization and to a true accounting of history. We

have made progress in understanding the whole truth about the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him. The active participation of Member States is now more than ever necessary to identify the information that will allow us to fill the remaining gaps in the narrative and is a step that must be taken before this matter and the memories of those who perished on flight SE-BDY in the service of the Organization may rest.

Annex

REPUBLIC OF THE CONGO (1961)
National capital
District capital
City, town
Major airport
International boundary
District boundary
Main road
Secondary road
Railroad
0 100 200 300 km
0 100 200 mi
CENTRAL AFRICAN REPUBLIC
SUDAN
UGANDA
RWANDA
BURUNDI
TANGANYIKA
NORTHERN RHODESIA
NYASALAND
ANGOLA
CONGO (BRAZZAVILLE)
ATLANTIC OCEAN
ORIENTALE
EQUATEUR
KASAI
KIVU
KATANGA
LEOPOLDVILLE
Bangui
Brazzaville
Leopoldville
Luanda
Usumbura
Kampala
Kigali
Elisabethville
Albertville
Stanleyville
Coquilhatville
Port Francqui
Luluabourg
Jadotville
Kolwezi
Kasenga
Katanga Plateau
REPUBLIC OF THE CONGO
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 4571.1 UNITED NATIONS August 2017
Department of Field Support
Geospatial Information Section (formerly Cartographic Section)

Airports/Airfields near Ndola 1961/62
REPUBLIC OF THE CONGO (DEMOCRATIC REPUBLIC OF THE CONGO)
NORTHERN RHODESIA (ZAMBIA)
Kolwezi
Kisenge
Elisabethville
Ndola
Ndola Airport
Crash Site (12°58'20"S, 28°31'23"E)
Lusaka
Crash Site
Operational Airports in Katanga and Northern Rhodesia in May 1962. Above 750 metres runway
Operational Airports in Katanga and Northern Rhodesia in May 1962. Above 750 metres runway with closed surface
Operational Airports in Katanga in May 1962. Below 750 metres
National Capital
District Capital
Other populated place
International Boundary
0 50 100 150km
0 50 100 mi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Data Sources: UN Archives, ICAO Location Indicators, Doc 7910, ONUC MIL INFO 845, 27 May 1962
UNGIS UNMap Data

Map No. 4571.2 UNITED NATIONS
August 2017

Department of Field Support
Geospatial Information Section (formerly Cartographic Section)